

**NOTICE OF MAKING OF PUBLIC PATH CREATION AND EXTINGUISHMENT
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDERS**

**HIGHWAYS ACT 1980 SECTIONS 26 AND 118
WILDLIFE AND COUNTRYSIDE ACT 1981**

**(a) SUFFOLK COUNTY COUNCIL (PARISH OF BRANTHAM) (BRIDLEWAY 21 AND
FOOTPATH 13A) PUBLIC PATH CREATION
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**

**(b) SUFFOLK COUNTY COUNCIL (PARISH OF BRANTHAM) (RESTRICTED BYWAY 14
AND FOOTPATH 13(PART)) PUBLIC PATH EXTINGUISHMENT
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**

The above orders were made on 5 June 2024 under Section 26 and Section 118 of the Highways Act 1980 and Section 53A(2) of the Wildlife and Countryside Act 1981. The orders will:

- a) Create a new bridleway and a new footpath as follows and as shown on the order map:

Brantham Bridleway 21 - Commencing on Factory Lane at the end of the maintainable highway at Ordnance Survey grid reference (OSGR) 61063,23316 and progressing in an east-north-easterly direction for 88 metres to OSGR 61072,23319; leaving Factory Lane to follow a path along the foot of a flood bund, with the bund to its north-western side for 288 metres to OSGR 61097,23332; changing to a generally south-easterly, then east-north-easterly direction for 282 metres around Decoy Pond to OSGR 61122,23334; changing to a south-south-easterly direction for 68 metres to a junction with Footpath 13A at OSGR 61125,23328 and continuing in a north-easterly direction along a track for 451 metres to a junction with Bridleway 15 at OSGR 61153,23362.

Brantham Footpath 13A - Commencing at a junction with Bridleway 21 at Ordnance Survey grid reference (OSGR) 61125,23328 and progressing in a generally southerly direction for 46 metres to a junction with Footpath 13 at OSGR 61126,23324.

- b) Extinguish a restricted byway and part of a footpath as follows and as shown on the order map:

Brantham Restricted Byway 14 - commencing at Ordnance Survey grid reference 61063,23316 and proceeding in a generally north easterly direction for 1110 metres to Ordnance Survey grid reference 61153,23362.

Brantham Footpath 13 (part) - that part of Footpath 13 commencing at Ordnance Survey grid reference 61126,23327 and proceeding in a generally southerly direction for 31 metres to Ordnance Survey grid reference 61126,23324.

Copies of the orders and the order maps and an explanatory statement may be seen free of charge at Manningtree Library, High Street, Manningtree, CO11 1AD, between the hours of

9.00am to 5.30pm on Tuesday and Thursday; 9.00am to 1.00pm on Wednesday; 9.00am to 1.00pm on Friday; 9.00am to 5.00pm on Saturday (closed Sunday and Monday). Copies of the orders and the order maps and an explanatory statement may be obtained by email or post free of charge by contacting Mary George on telephone: 01473 264742 or email: mary.george@suffolk.gov.uk They can also be viewed at: <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/making-changes-to-the-definitive-map-and-statement>

Any representations about or objections to the orders may be sent in writing to: The Definitive Map Manager, Rights of Way and Access, Phoenix House, 3 Goddard Road, Ipswich, Suffolk, IP1 5NP to arrive not later than 15 July 2024. Please state the grounds on which they are made. Please bear in mind that such correspondence cannot be treated as confidential and may be inspected by any interested party. For further information please refer to Suffolk County Council's Rights of Way and Access Privacy Notice which can be viewed online at: <https://www.suffolk.gov.uk/about/privacy-notice/rights-of-way-and-access-privacy-notice/>

If no such representations or objections are duly made, or if any so made are withdrawn, Suffolk County Council may confirm the orders as unopposed. If the orders are sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation, any representations or objections that have not been withdrawn will be sent with them.

Dated: 17 June 2024

A handwritten signature in black ink, appearing to be 'Nigel Inniss', written in a cursive style.

Nigel Inniss

Head of Governance and Monitoring Officer
Suffolk County Council
Endeavour House, 8 Russell Road
Ipswich, IP1 1BX

**PUBLIC PATH CREATION ORDER
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980 SECTION 26
WILDLIFE AND COUNTRYSIDE ACT 1981**

**SUFFOLK COUNTY COUNCIL (PARISH OF BRANTHAM)
(BRIDLEWAY 21 AND FOOTPATH 13A) PUBLIC PATH CREATION
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**

This order is made by Suffolk County Council ('the authority') under Section 26 of the Highways Act 1980 ('the 1980 Act') because it appears to the authority that there is a need for a bridleway and a public footpath over the land to which this order relates and that it is expedient that the ways should be created.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the definitive map and statement for the former Rural District of Samford in the former County Council of East Suffolk, require modification in consequence of the occurrence of an event specified in section 53(3)(a)(iii) of the 1981 Act, namely, the creation (as authorised by this order) of new rights of way over land in the area to which the map relates, being rights of way such that the land over which the rights subsist is a public path.

Babergh District Council has been consulted as required by section 26(3) of the 1980 Act and has consented to the making of the order.

BY THIS ORDER:

1. There shall be at the end of 43 days from the date of confirmation of this order a public bridleway and a public footpath over the land situate at Brantham described in Part 1 of the Schedule to this order and shown by bold broken black lines on the map attached to this order, and thereupon the definitive map for the former Rural District of Samford in the former County Council of East Suffolk, shall be modified by adding those paths to it, and the definitive statement shall be modified as described in Part 2 of the Schedule to this order.
2. The relevant date of this order shall be as specified in paragraph 1.

Date: 5 June 2024

THE COMMON SEAL OF
SUFFOLK COUNTY COUNCIL
was affixed
in the presence of:



(An authorised Officer of the Council)

EMILY SPRINGFORD

SCHEDULE

Part 1: Description of Public Rights of Way to be Created

Brantham Bridleway 21

Commencing on Factory Lane at the end of the maintainable highway at Ordnance Survey grid reference (OSGR) 61063,23316 (point A1) and progressing in an east-north-easterly direction for 88 metres to OSGR 61072,23319 (point B); leaving Factory Lane to follow a path along the foot of a flood bund, with the bund to its north-western side for 119 metres to OSGR 61082,23324 (point C), where a wire mesh fence begins on the south-eastern side of the path; continuing beside the fence for 149 metres to OSGR 61096,23331 (point D), where the fence ends with a 2 metre wide access into a carpark; then continuing for 20 metres to OSGR 61097,23332 (point E); changing to a generally south-easterly, then east-north-easterly direction for 282 metres following the industrial estate boundary fence around Decoy Pond to OSGR 61122,23334 (point F); changing to a south-south-easterly direction for 68 metres to a junction with Footpath 13A at OSGR 61125,23328 (point G) and continuing in a north-easterly direction along a track for 451 metres to a junction with Bridleway 15 at OSGR 61153,23362 (point H); this being the route shown on the order map between points A1-B-C-D-E-F-G-H.

Width:

Varying between a minimum of 7.5 metres and a maximum of 12.7 metres, comprised of the width of the roadway and the footway on its south-eastern side between OSGR 61063,23316 (point A1) and OSGR 61072,23319 (point B).

3 metres between OSGR 61072,23319 (point B) and 61082,23324 (point C)

2.85 metres from edge of surfaced path to wire mesh fence between OSGR 61082,23324 (point C) and OSGR 61096,23331 (point D)

3 metres between OSGR 61096,23331 (point D) and OSGR 61153,23362 (point H)

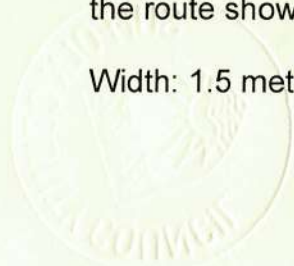
Limitations:

2.65 metres gap between the edge of the surfaced path and end fencepost at OSGR 61082,23324 (point C)

Brantham Footpath 13A

Commencing at a junction with Bridleway 21 at Ordnance Survey grid reference (OSGR) 61125,23328 (point G) and progressing in a generally southerly direction for 46 metres to a junction with Footpath 13 at OSGR 61126,23324 (point J); this being the route shown on the order map between points G-J.

Width: 1.5 metres



Part 2: Modification of Definitive Statement

Variation of Particulars of Path or Way.

Particulars of Bridleway to be Added

There shall be added to the definitive statement for the former Rural District of Samford in the former County Council of East Suffolk, in the parish of Brantham in respect of Bridleway 21, the words:

"Brantham Bridleway 21

Commencing on Factory Lane at the end of the maintainable highway at Ordnance Survey grid reference (OSGR) 61063,23316 and progressing in an east-north-easterly direction for 88 metres to OSGR 61072,23319; leaving Factory Lane to follow a path along the foot of a flood bund, with the bund to its north-western side for 119 metres to OSGR 61082,23324, where a wire mesh fence begins on the south-eastern side of the path; continuing beside the fence for 149 metres to OSGR 61096,23331, where the fence ends with a 2 metre wide access into a carpark; then continuing for 20 metres to OSGR 61097,23332; changing to a generally south-easterly, then east-north-easterly direction for 282 metres following the industrial estate boundary fence around Decoy Pond to OSGR 61122,23334; changing to a south-south-easterly direction for 68 metres to a junction with Footpath 13A at OSGR 61125,23328 and continuing in a north-easterly direction along a track for 451 metres to a junction with Bridleway 15 at OSGR 61153,23362.

Width:

Varying between a minimum of 7.5 metres and a maximum of 12.7 metres, comprised of the width of the roadway and the footway on its south-eastern side between OSGR 61063,23316 and OSGR 61072,23319

3 metres between OSGR 61072,23319 and 61082,23324

2.85 metres from edge of surfaced path to wire mesh fence between OSGR 61082,23324 and OSGR 61096,23331

3 metres between OSGR 61096,23331 and OSGR 61153,23362

Limitations:

2.65 metres gap between the edge of the surfaced path and end fencepost at OSGR 61082,23324"

Particulars of Footpath to be Added

There shall be added to the definitive statement for the former Rural District of Samford in the former County Council of East Suffolk, in the parish of Brantham in respect of Footpath 13A, the words:

"Brantham Footpath 13A

Commencing at a junction with Bridleway 21 at Ordnance Survey grid reference (OSGR) 61125,23328 and progressing in a generally southerly direction for 46 metres to a junction with Footpath 13 at OSGR 61126,23324.

Width: 1.5 metres"



**PUBLIC PATH EXTINGUISHMENT
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980 SECTION 118
WILDLIFE AND COUNTRYSIDE ACT 1981**

**SUFFOLK COUNTY COUNCIL (PARISH OF BRANTHAM) (RESTRICTED BYWAY
14 AND FOOTPATH 13(PART)) PUBLIC PATH EXTINGUISHMENT
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**

This order is made by Suffolk County Council ('the authority') under Section 118 of the Highways Act 1980 ('the 1980 Act') because it appears to the authority that the restricted byway and footpath described in paragraph 1 of this order are not needed for public use.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the definitive map and statement for the former Rural District of Samford in the former County Council of East Suffolk, require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this order) of highways hitherto shown or required to be shown in the map and statement.

Babergh District Council has been consulted as required by section 120(2) of the 1980 Act and has consented to the making of the order.

BY THIS ORDER:

1. The public rights of way over the land situate at Brantham shown by a continuous bold black line on the map attached to this order and described in Part 1 of the Schedule to this order shall be extinguished after 42 days from the date of confirmation of this order and thereupon the definitive map for the former Rural District of Samford in the former County Council of East Suffolk, shall be modified by deleting from it those public rights of way, and the definitive statement shall be modified as described in Part 2 of the Schedule to this order.
2. The relevant date of this order shall be as specified in paragraph 1.

Date: 5 June 2024

THE COMMON SEAL OF
SUFFOLK COUNTY COUNCIL
was affixed
in the presence of:



(An authorised Officer of the Council)

Emily Springford



SCHEDULE

Part 1: Description of Public Right of Way Extinguished

Brantham Restricted Byway 14

The entire width of Restricted Byway 14 commencing at Ordnance Survey grid reference 61063,23316 (point A1) and proceeding in a generally north easterly direction for 1110 metres to Ordnance Survey grid reference 61153,23362 (point H); this being the route shown between points A1 to H on the order map.

Brantham Footpath 13 (part)

The entire width of that part of Footpath 13 commencing at Ordnance Survey grid reference 61126,23327 (point K) and proceeding in a generally southerly direction for 31 metres to Ordnance Survey grid reference 61126,23324 (point J); this being the route shown between points K to J on the order map.

Part 2: Modification of Definitive Statement

Variation of Particulars of Path or Way

Particulars of restricted byway to be deleted

There shall be deleted from the definitive statement for the former Rural District of Samford in the former County Council of East Suffolk, in the parish of Brantham in respect of Restricted Byway 14, the words:

“Lower Way. From junction of B.X. Plastics factory road to north end of railway bridge at the junction with path 15. Width 15 feet to factory entrance, remainder 10 to 12 feet.”

Particulars of footpath to be deleted

There shall be deleted from the definitive statement for the former Rural District of Samford in the former County Council of East Suffolk, in the parish of Brantham in respect of Footpath 13 the words:

“Lower Way. From a point at the junction of BR 14”.



Section of Restricted Byway 14
now subsumed into Factory Lane
maintainable highway



Executive Director of Growth, Highways and Infrastructure
Endeavour House, 8 Russell Road, Ipswich, Suffolk. IP1 2BX.

Scale: 1:2,500 at A3
Ordnance Survey MasterMap
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- Restricted Byway to be extinguished (A1 - H)
- Footpath to be extinguished (J - K)
- Unaffected Restricted Byway
- Unaffected Bridleway
- Unaffected Footpath
- Maintainable highway boundary

**MAP REFERRED TO IN THE SUFFOLK COUNTY COUNCIL
(BRANTHAM RESTRICTED BYWAY 14 AND FOOTPATH 13 (PART))
PUBLIC PATH EXTINGUISHMENT
AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2024**

**THIS IS AN EXPLANATORY STATEMENT AND DOES NOT FORM PART OF THE
ORDERS**

**HIGHWAYS ACT 1980 SECTIONS 26 AND 118
WILDLIFE AND COUNTRYSIDE ACT 1981**

**(a) SUFFOLK COUNTY COUNCIL (PARISH OF BRANTHAM) (BRIDLEWAY 21
AND FOOTPATH 13A) PUBLIC PATH CREATION
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**

**(b) SUFFOLK COUNTY COUNCIL (PARISH OF BRANTHAM) (RESTRICTED
BYWAY 14 AND FOOTPATH 13(PART)) PUBLIC PATH EXTINGUISHMENT
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**

Under the Highways Act 1980, county and district councils have the power to make orders to create, extinguish (close) or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

Suffolk County Council has made two orders, one to create Brantham Bridleway 21 (BR21) and Brantham Public Footpath 13A (FP13A) and one to extinguish Brantham Restricted Byway 14 (RB14) and part of Brantham Public Footpath 13 (FP13) as shown on the order maps. This statement has been prepared to explain various aspects of the orders.

The orders have been made to resolve a definitive map error resulting from two previous legal orders which did not come into effect because of technical errors. The errors were not identified at the time so the route in use on the ground reflects the intentions of the flawed orders, whilst the original route has been obstructed by buildings for many years because it was assumed to have been diverted.

Before making a creation order it must appear to the County Council that there is a need for a footpath, bridleway or restricted byway and that it is expedient to create the path or way having regard to the extent to which it would add to the convenience or enjoyment of a substantial section of the public or to the convenience of persons resident in the area; and the effect the creation of the path or way would have on the rights of persons interested in the land, taking account of the provisions for compensation.

The County Council considers that there is a need for the proposed bridleway, which currently has no recorded public rights although it forms an important link in a public rights of way network that is well used by local residents. This local use will increase when the nearby residential development is completed. The proposed bridleway is also part of the Stour Valley Path, a promoted long distance path and part of the route approved by the Secretary of State for the new King Charles III Coastal Path.

The new route of BR21 will be 3 metres wide for most of its length. From its junction with Factory Lane for 88 metres the width will vary between a minimum of 7.5 and a maximum of 12.7 metres, comprising the width of the roadway and the footway on its

south-eastern side. For 149 metres the width will be reduced to 2.85 metres by a fence to one side, with a gap of 2.65 metres at the end fence post.

The junction of FP13 and RB14 is slightly south of BR21 therefore a short length of new footpath is needed to connect FP13 to the new bridleway. The new FP13A will be 1.5 metres wide.

The County Council must have regard to the needs of agriculture, nature conservation. The proposed bridleway and footpath creation will not have any adverse effect on the needs of agriculture or on nature conservation.

The legal test that must be satisfied for a public path extinguishment order to be made is that the path 'is not needed for public use'.

The proposed new bridleway will provide an alternative route to RB14 and therefore the existing route is not necessary. The existing definitive route of RB14 is obstructed and not available for use by the public (although the Highways Act 1980 Section 118 tests require this fact to be disregarded). The extinguishment of RB14 would benefit the land crossed by the path, which remains affected by the legal alignment of RB14 because of a legal error.

A short section of FP13 is walked on a slightly different alignment from its legally recorded route. It is proposed to extinguish this part of FP13 and replace it with FP13A to avoid a discrepancy between the legal record and the path on the ground.

RB14 will be replaced with a bridleway because one of the flawed orders was a reclassification order which would have changed the status of the original route to a bridleway if there had not been a legal error. BR21 will connect to BR15, which was subject to a confirmed reclassification order.

The part of RB14 between points A to A1 on the order map will not be extinguished because this part of Factory Lane has been adopted as maintainable highway and the restricted byway rights have been subsumed into the maintainable highway. This section of RB14 will be deleted from the definitive map and statement as a result of the Highways Act 1980 Section 278 Agreement adopting the maintainable highway.

The Suffolk Green Access Strategy 2020-2030 (the County Council's Rights of Way Improvement Plan) requires the County Council to make orders in the public interest to deliver a public rights of way network to meet the needs of today's user. The proposed orders will satisfy this objective by resolving the existing definitive map error and legally recording an important link in the network.

The County Council is satisfied that the orders comply with the legal grounds and tests laid down in the Highways Act 1980 and if confirmed will implement the intended effects of the previous flawed legal orders.

The orders will come into effect only after they have been confirmed. Making and advertising the orders simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the orders must be made in writing by 15 July 2024 to: The Definitive Map Manager, Rights of Way and Access, Phoenix House, 3 Goddard Road, Ipswich, IP1 5NP. The County Council is willing to discuss the concerns of those considering objecting or making representations relating to the orders. Please contact Mary George by email: mary.george@suffolk.gov.uk or telephone: 01473 264742.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the County Council will have to refer the opposed orders to the Department of the Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the County Council will be able to confirm the orders itself but it has no power to modify orders.

Suffolk County Council's Rights of Way and Access privacy notice can be viewed online at: <https://www.suffolk.gov.uk/about/privacy-notice/rights-of-way-and-access-privacy-notice/>