

## NOTICE OF MODIFICATION ORDER

### SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

#### DEFINITIVE MAP AND STATEMENT FOR THE PARISH OF DALHAM IN THE DISTRICT OF WEST SUFFOLK

#### DEFINITIVE MAP AND STATEMENT FOR THE FORMER RURAL DISTRICT OF THINGOE IN THE FORMER ADMINISTRATIVE COUNTY OF WEST SUFFOLK

#### SUFFOLK COUNTY COUNCIL (PARISH OF DALHAM) AND (THINGOE RURAL DISTRICT DEFINITIVE MAP AND STATEMENT)(PARISH OF DENHAM) MODIFICATION ORDER 2019

The above order made on 11 November 2019 if confirmed as made, will modify the definitive map and statement for the area by adding a public footpath from a junction with Dalham footpath 8 at Ordnance Survey Grid Reference (OSGR) 57506,26070 to a junction with the C660 Denham Road at OSGR 57524,26116 as shown on the order map.

A copy of the order and the order map may be seen free of charge at the offices of Suffolk County Council, Phoenix House, 3 Goddard Road, Ipswich, IP1 5NP, from 9.00 am to 5.00 pm Monday to Thursday and 9.00 am to 4.00 pm Friday, or purchased at a cost of £2.00. A copy of the order may be sent by post, if requested in writing, at a cost of £2.50.

A copy of the order may also be viewed at <http://www.suffolkpublicrightsofway.org.uk/home/public-notice-about-legal-orders/> or inspected at the offices of Suffolk County Council, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU. Opening times:

Monday to Friday                      8.45am – 5.00pm

Any representation or objection relating to the order must be sent in writing to the Definitive Map Manager, Rights of Way and Access, Suffolk Highways, Phoenix House, 3 Goddard Road, Ipswich IP1 5NP. Objections should be received not later than 14 January 2020, and applicants are requested to 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. The Rights of Way and Access Privacy Notice can be viewed at: <https://www.suffolk.gov.uk/about/privacy-notice/rights-of-way-and-access-privacy-notice/>

If no representations or objections are duly made to the order, or to any part of it, or if any so made are withdrawn, the Suffolk County Council, instead of submitting the order to the Secretary of State (or part of it if the authority has by notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the order (or that part of the order). If the order is submitted to the Secretary of State for the Environment, Food and Rural Affairs in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.



Dated: 3 December 2019

**Nigel Inniss**  
Head of Legal Services  
Constantine House  
5 Constantine Road  
IPSWICH, IP1 2DH

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

**Wildlife and Countryside Act 1981  
Definitive Map Modification Order**

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. These maps and statements provide conclusive legal evidence of the existence of public rights. Suffolk County Council is responsible for the definitive map and statement and has a duty to amend them when evidence suggests that they are inaccurate or incomplete. Such amendments are made by means of modification orders made under section 53 of the Wildlife and Countryside Act 1981. These orders do not come into effect until confirmed: if there are any objections the County Council must refer the order and objections to the Department of Environment, Food and Rural Affairs in Bristol.

The Council has made a modification order under Section 53 to add a public footpath as detailed in the order.

This order simply recognises the public rights that the authority believes exist: the order does not create any new public rights.

The evidence which the County Council has considered may be consulted free of charge during normal office hours at the relevant Record Office.

Suffolk Record Office, 77 Raingate St, Bury Saint Edmunds

Dalham Inclosure Act 1816 (BRO ref: Q/RIa)  
Dalham Inclosure Map 1818 (BRO ref: M547/5)  
Dalham Inclosure Award (BRO ref: Q/RI7)  
Denham Tithe 1849 (BRO ref: P580/1)  
District Valuers 1910 Finance Act Map (BRO map sheet 534)  
6 inch Ordnance Survey map of 1892 & 1905 (Sheet 43 SW/SE)  
25 inch Ordnance Survey maps of 1884 and 1904 (Sheet 43/15)

Suffolk Record Office, Gatacre Road, Ipswich

Hodskinson's Map 1783  
Bryant's Map 1824/5  
Greenwood's Map 1825  
Dalham Parish Survey Map circa. 1950s (IRO ref: 3332/61)  
Dalham Parish Survey File circa. 1950s (IRO ref: 3319/2/3)  
Denham Parish Survey Map circa 1950s (IRO ref: 332/14)

(By prior appointment) at the offices of Suffolk County Council, Phoenix House, Goddard Road, Ipswich:

Formal Application from John Andrews dated 12 November 2017  
1 inch Ordnance Survey map of 1836  
1979 Review Material  
Current Working Copy Definitive Map (relevant date: 1/10/85)  
Google Earth Aerial Images (1945, 1999, 2000, 2003, 2007, 2011, 2015, 2018)  
Mapinfo Aerial Images (1945, 1991)

Rights of Way Sub-committee report R03/230 -16 December 2003  
Landowner evidence dated 4 July 2019 and 5 July 2019  
Emails dated 9 May and 19 August 2019 from Dalham Parish Council  
Email dated 28 August 2019 from Bury St Edmunds Ramblers  
Emails from Ashtons Legal

Objections or representations relating to the order must be made in writing by 14 January 2020 to the Definitive Map Manager, Suffolk Highways, Phoenix House, 3 Goddard Road, Ipswich, IP1 5NP.

To be relevant, objections or representations should relate to the question of the existence of status of rights of way; other objections or representations (e.g. relating to privacy, security or amenity) are irrelevant to the evidential test.

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order, and you may contact David Last at the above address, ☎ Ipswich (01473) 264770

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 there are no objections to the order, or if all objections are withdrawn, the Council will confirm the order, and the definitive map and statement will then be modified. If there are any objections which are not withdrawn, the Council must refer the order and objections to the Department of Environment, Food and Rural Affairs. The Department will appoint an independent Inspector to consider the order and hear the objections, normally by holding a public inquiry. The Inspector may confirm the order, with or without modifications, or may decide that the order should not be confirmed.

The Rights of Way and Access Privacy Notice can be viewed at:  
<https://www.suffolk.gov.uk/about/privacy-notice/rights-of-way-and-access-privacy-notice/>

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE PARISH OF DALHAM  
IN THE DISTRICT OF WEST SUFFOLK

DEFINITIVE MAP AND STATEMENT FOR THE FORMER RURAL DISTRICT OF THINGOE  
IN THE FORMER ADMINISTRATIVE COUNTY OF WEST SUFFOLK

SUFFOLK COUNTY COUNCIL  
(PARISH OF DALHAM) AND (THINGOE RURAL DISTRICT DEFINITIVE MAP AND  
STATEMENT)( PARISH OF DENHAM) MODIFICATION ORDER 2019

This Order is made by Suffolk 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 parish of Dalham in the district of West Suffolk and the Definitive Map and Statement for the former Rural District of Thingoe in the former Administrative County of West Suffolk require modification in consequence of the occurrence of an event specified in sections 53(3)(c)(i) namely, the discovery by the authority of evidence which shows that a footpath, which is not shown in the maps and statements subsists or is reasonably alleged to subsist.

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

1. For the purpose of this Order the relevant date is 1 November 2019.
2. The Definitive Map and Statement for the parish of Dalham in the district of West Suffolk shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. The Definitive Map and Statement for the former Rural District of Thingoe in the former Administrative County of West Suffolk shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
4. This Order shall take effect on the date it is confirmed and may be cited as the Suffolk County Council (Parish of Dalham) and (Thingoe Rural District Definitive Map and Statement)(Parish of Denham) Modification Order 2019.

Date: 11th November 2019

THE COMMON SEAL of SUFFOLK

COUNTY COUNCIL was hereunto

affixed in the presence of:-



An authorised Officer of the Council



## SCHEDULE

### Part I: Modification of Definitive Map

#### Description of footpath to be added

There shall be added to the Definitive Map for the parish of Dalham a footpath from Ordnance Survey grid reference 57506,26070 (point A) to Ordnance Survey grid reference 57511,26086 (point B) as shown on the order map.

There shall be added to the Definitive Map for the former Rural District of Thingoe in the parish of Denham a footpath from Ordnance Survey Grid Reference 57511,26086 (point B) to Ordnance Survey Grid Reference 57524,26116 (point F) as shown on the order map.

### Part II: Modification of Definitive Statement

#### Particulars of footpath to be added

There shall be added to the Definitive Statement for Dalham the following particulars:

#### Dalham Footpath 18

Commencing at Ordnance Survey Grid Reference (OSGR) 57506,26070 (point A) at a junction with Dalham footpath 8, at a point 223 metres south-east from Dunstall Green Road, crossing a ditch and progressing in a north north-easterly direction for 163 metres as a field edge path on the western side of the field boundary, crossing a ditch and terminating at the parish boundary with Denham and the start of Denham footpath 10 at OSGR 57511,26086 (point B).

Width: 1.2 metres

(Metric equivalent of 4 feet width as set out in Inclosure Award)

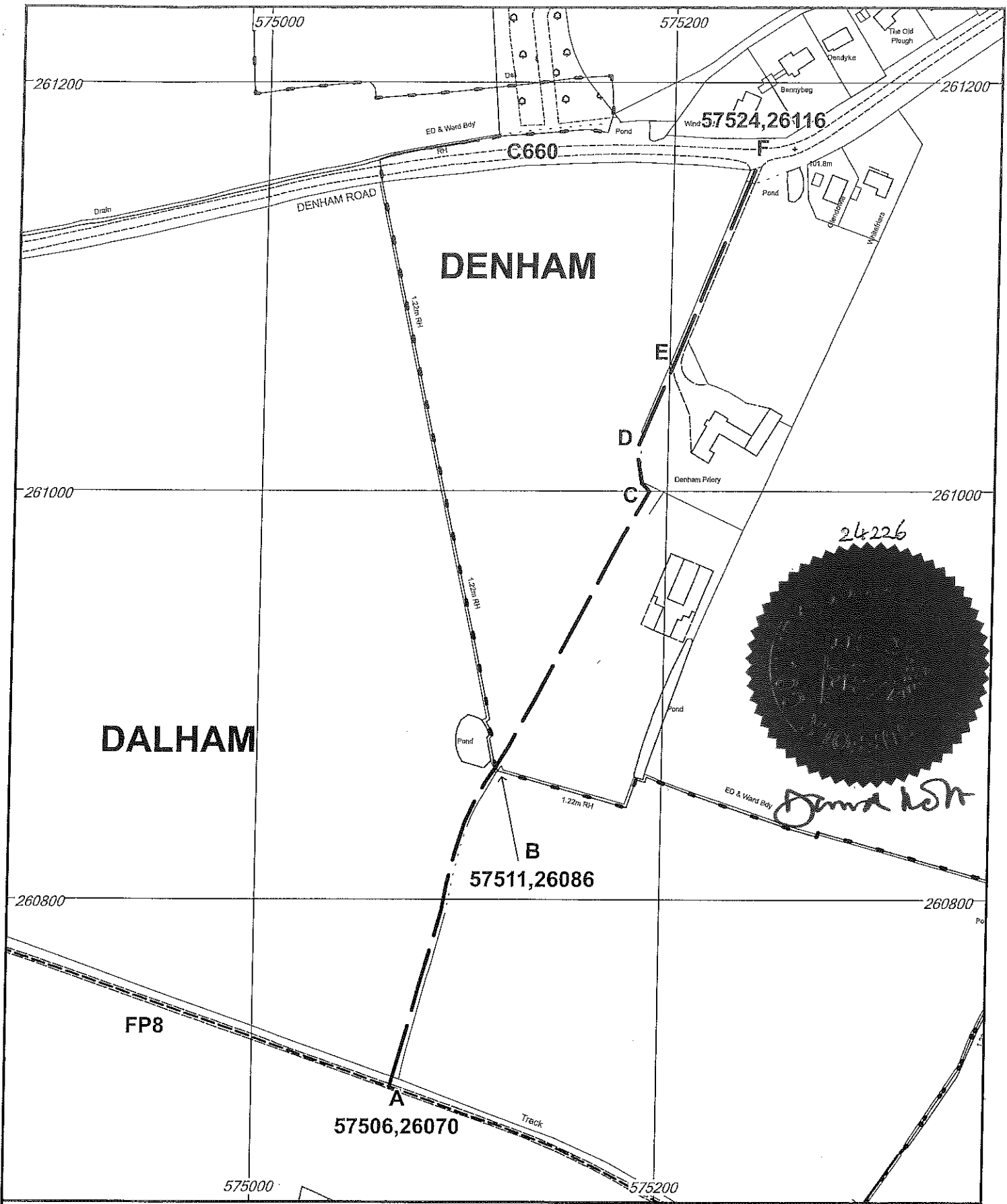
There shall be added to the Definitive Statement for the former Rural District of Thingoe the following particulars:

#### Denham Footpath 10

Commencing at Ordnance Survey Grid Reference (OSGR) 57511,26086 (point B) at the parish boundary with Dalham and the end of Dalham footpath 18 and progressing in a north-easterly direction for 153 metres to OSGR 57519,26199 (point C); changing to a generally north westerly direction for 22 metres to OSGR 57518,26102 (point D); changing to a north-easterly direction and continuing for 43 metres to join the driveway to Denham Priory at OSGR 57520,26106 (point E), continuing along the driveway for 109 metres and terminating at a junction with the C660 at OSGR 57524,26116 (point F).

Width: 1.2 metres



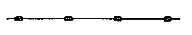
(Metric equivalent of the 4 feet width set out in the Dalham Inclosure Award, for which this path is a continuation)



**PROPOSED PUBLIC FOOTPATH IN DALHAM AND DENHAM**



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

-  Existing Public Footpath
-  Proposed Public Footpath (A-B)(B-C-D-E-F)
-  Definitive Map Parish Boundary

Scale 1:2500



Ordnance Survey MasterMap

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