



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

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257  
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53(A)(2)  
THE SHROPSHIRE COUNCIL (FOOTPATH 12 (PART)  
PARISH OF ELLESMERE URBAN) PUBLIC PATH DIVERSION ORDER 2024.**

This order is made by the Shropshire Council (“the Council”) under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 under planning reference 21/03602/FUL for a mixed residential development of 107 dwellings; creation of new vehicular access (from A495) and associated road works; estate roads; re-routing of public right of way; landscaping scheme; all associated works (resubmission).

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 Shropshire definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway hitherto shown or required to be shown in the map and statement.

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order (“the Schedule”) shall be diverted, and the Shropshire definitive map and statement shall be modified as provided below.

2. There shall be created to the reasonable satisfaction of the Shropshire Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The Owner hereby covenants with the Council that the Owner and the successors in title shall always maintain the footpath between points A to B in good repair and in a fit condition for use by the public as a footpath.
4. The diversion of the footpath shall have effect on the date on which Shropshire Council certify that the terms of Article 2 above have been complied with and upon occurrence of that diversion the Shropshire definitive map shall be modified by deleting from it the way referred to in paragraph 1 of this order and the way referred to in paragraph 2 of this order shall be added to it and the definitive statement shall be modified as described in Part 3 of the schedule.
5. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

## **SCHEDULE**

### **PART I**

#### **Description of site of existing path or way**

The full width of that part of FP 12 leaving point A on the Order map at grid reference SJ 3923 3419 running in a general NNE, north east then south east direction to point B on the Order map at grid reference SJ 3944 3432. An approximate distance of 327 metres.

## **PART 2**

### **Description of site of alternative highway**

Leaving point A on the Order map at grid reference SJ 3923 3419 running in a general ENE, east, NNW then ENE direction on a 2 metres wide path with a surfaced width of 1.2 metres to re-join the Definitive line of FP 12 at point B on the Order map at grid reference SJ 3944 3432. An approximate distance of 293 metres.

## **PART 3**

### **Modification of Definitive Statement**

Leaving point A on the Order map at grid reference SJ 3923 3419 running in a general ENE, east, NNW then ENE direction on a 2 metres wide path with a surfaced width of 1.2 metres to re-join the Definitive line of FP 12 at point B on the Order map at grid reference SJ 3944 3432. An approximate distance of 293 metres.

There is no Shropshire definitive statement for the remainder of FP 12 Ellesmere Urban.

### **Variation of Particulars of Path of Way**

*None*

Executed as a deed by affixing the  
Common Seal of Shropshire  
Council on 8<sup>th</sup> February 2024  
In the presence of:

DATED 8<sup>th</sup> February 2024

PUBLIC PATH DIVERSION AND  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER  
TOWN AND COUNTRY PLANNING ACT  
1990, SECTION 257  
WILDLIFE AND COUNTRYSIDE ACT 1981,  
SECTION 53(A)(2)

THE SHROPSHIRE COUNCIL  
(FP 12 (PART) PARISH OF ELLESMERE  
URBAN) PUBLIC PATH DIVERSION  
ORDER 2024.

SHROPSHIRE OUTDOOR PARTNERSHIPS  
SERVICE  
HOMES & COMMUNITIES  
SHROPSHIRE COUNCIL  
THE SHIREHALL  
ABBAY FOREGATE  
SHREWSBURY

*This information is supplied in connection with an order made by Shropshire Council under the Highways Act 1980 and is not to be used for any other purpose. Shropshire Council asserts its right to the copyright of this order. It may not be reproduced or transmitted in any other form or by any means or stored in any retrieval system of any nature without prior written permission except for the purposes of this consultation.*