



**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 42 (PART) TOWN OF WHITCHURCH)
PUBLIC PATH DIVERSION ORDER 2017**

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 namely: the conversion of redundant farm buildings into residential dwellings under planning reference 15/042417/FUL.

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 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 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 path or way referred to in paragraph 1 of this order and the path or 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.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule:
5. Where immediately before the date on which the 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 Footpath 42, from the County Road at point **A** (SJ 5515 4220) on the Order Map running in a generally north westerly direction through the yard, then farm building and slurry lagoon to point **B** at SJ 5507 4227 on the Order Map; a total distance of approximately 106 metres

PART 2

Description of site of alternative highway

from a pedestrian gate installed to BS 5709.2006 where the route leaves the County Road at point **C** (SJ 5516 4221) on the Order Map then running in a general north westerly then west-north-west direction on a stoned surface to point **B** (SJ 5507 4227) on the Order Map to re-join the continuation of Footpath 42; a total distance of approximately 112 metres with a width of 1.8 metres throughout.

PART 3

Modification of Definitive Statement

There is no Shropshire definitive statement for the remainder of this Right of Way

Variation of Particulars of Path of Way

None

Executed as a deed by affixing the
Common Seal of Shropshire
Council on 16th February 2017

In the presence of:

DATED 16TH February 2017

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(FP 42 (PART) TOWN OF WHITCHURCH)
PUBLIC PATH DIVERSION ORDER 2017

SHROPSHIRE OUTDOOR
PARTNERSHIPS
INFRASTRUCTURE AND COMMUNITIES
THE SHIREHALL
ABBAY FOREGATE
SHREWSBURY

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