



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

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

**SHROPSHIRE COUNCIL**

**THE SHROPSHIRE COUNCIL (FOOTPATH 22 (PART),  
PARISH OF UPTON MAGNA) PUBLIC PATH DIVERSION ORDER 2019**

This Order is made by the Shropshire Council (“the Council”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the Council that in the interests of the landowner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the way should be diverted.

This Order is also made under section 53A (2) of the Wildlife 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 shown or required to be shown in the map and statement.

**BY THIS ORDER:**

1. The public right of way over the land situated at Pelham Road, Upton Magna, and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up on the date that the Council certifies that works have been carried out to bring the site of the new footpath described in Part 2 of the Schedule to this Order into a fit condition for use by the public and thereupon the Shropshire definitive map shall be modified by deleting from it the public right of way to be stopped up.

2. Notwithstanding paragraph 1 of this Order statutory undertakers shall have the following rights over the land referred to in paragraph 1 above, namely: 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 right in respect of the apparatus as they then had.

3. There shall on the date of confirmation of this Order be a public bridleway over the land situated at Pelham Road, Upton Magna described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this Order and thereupon the Shropshire definitive map shall be modified by adding that path to it.

3A. The Shropshire definitive statement shall be modified as described in Part 4 of the Schedule to this order.

4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

## **SCHEDULE**

### **PART I**

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

The full width of that part of Footpath 22, Upton Magna, from point A on the order map (SJ 5567 1251) where it leaves, Pelham Road, running in a general easterly direction across the garden and corner of number 10 Pelham Road, then continues across the garden of number 9 Pelham Road before crossing a field to point B on the order map (SJ 5580 1250); a total distance of approximately 131 metres.

### **PART 2**

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

A footpath to be created in the parish of Upton Magna from a gate at point B on the order map (SJ 5580 1250), running in a general west-north-westerly direction following a field boundary to a pedestrian gate in the hedge line at point C on the order map (SJ 5569 1257) at its junction with Pelham Road; a total distance of approximately 124 metres with a width of 2 metres throughout.

### **PART 3**

#### **Limitations and conditions**

Pedestrian gate at Grid Reference SJ 5569 1257 to BS 5709

### **PART 4**

#### **Modification of Definitive Statement**

A footpath to be created in the parish of Upton Magna from a gate at point B on the order map (SJ 5580 1250), running in a general west-north-westerly direction following a field boundary to a pedestrian gate in the hedge line at point C on the

order map (SJ 5569 1257) at its junction with Pelham Road; a total distance of approximately 124 metres with a width of 2 metres throughout.

Gate at Grid Reference SJ 5522 1234 to BS 5709

There is no Shropshire definitive statement for the remainder of Footpath 22, Upton Magna.

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

None

Executed as a deed by affixing the  
Common Seal of Shropshire  
Council on 16<sup>th</sup> May 2019

In the presence of:

DATED 16<sup>th</sup> MAY 2019

PUBLIC PATH DIVERSION AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER  
HIGHWAYS ACT 1980 (SECTION 119)  
WILDLIFE AND COUNTRYSIDE ACT 1981

THE SHROPSHIRE COUNCIL  
(FOOTPATH 22 (PART), PARISH OF UPTON MAGNA)  
PUBLIC PATH DIVERSION ORDER 2019

SHROPSHIRE OUTDOOR PARTNERSHIPS SERVICE  
INFRASTRUCTURE AND COMMUNITIES  
THE SHIREHALL  
ABBAY FOREGATE  
SHREWSBURY

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