



**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 11 (PART) PARISH OF GREAT NESS) PUBLIC
PATH DIVERSION ORDER 2018.**

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: 30 residential dwellings on land opposite The Crescent Nesscliffe Shrewsbury Shropshire under planning ref 16/03413/REM,

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 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. 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 Footpath 11 from point A on the Order Map (SJ 3812 1956) running in a general WSW direction on a natural surface to a stile at point B on the Order Map (SJ 3804 1982). A total distance of approximately 89 metres.

PART 2

Description of site of alternative highway

That part of FP 11 leaving the main road at point C on the Order Map (SJ 3812 1958) running in a general WSW direction on a natural surface to a gate then in a general SSE direction on a natural surface to re join the Definitive line of FP 11 at point B on the Order Map at SJ 3804 1982; a total distance of approximately 105 metres with a width of 2 metres throughout.

PART 3

Modification of Definitive Statement

That part of FP 11 leaving the main road at point C on the Order Map (SJ 3812 1958) running in a general WSW direction on a natural surface to a gate then in a general SSE direction on a natural surface to re join the Definitive line of FP 11 at point B on the Order Map at SJ 3804 1982; a total distance of approximately 105 metres with a width of 2 metres throughout.

There is no Shropshire definitive statement for the remainder of FP 11 Great Ness.

Variation of Particulars of Path of Way

None

Executed as a deed by affixing the
Common Seal of Shropshire
Council on 17th May 2018

In the presence of:

DATED 17th May 2018

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SECTION 53(A)(2)

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(FP 11 (PART) PARISH OF GREAT NESS
PUBLIC PATH DIVERSION ORDER 2018

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

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