



**RAIL CROSSING DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980, SECTION 119A
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A (2)**

**THE SHROPSHIRE COUNCIL (FP UN9 (PART) PARISH OF WISTANSTOW) RAIL
CROSSING DIVERSION ORDER 2023.**

This order is made by The Shropshire Council (“the authority”) under section 119A of the Highways Act 1980 (“the 1980 Act”).

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.

The footpath described in paragraph 1 of this order in the authority’s area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that it should be diverted *on to land of the same owner, lessee or occupier as described in the schedule.*

The Shropshire Council has required the operator of the railway to enter into an agreement to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in the erection or maintenance of barriers and signs bringing the new site of the footpath into a fit condition for use by the public, which may be recovered from the authority by the highway authority.

BY THIS ORDER:

1. The public right of way over the land situated to the south of where the Railway line and Watling Steet (track) cross and shown by a bold continuous bold line on the map attached to this order and described in Part 1 of the schedule hereto shall be extinguished on the date that the diversion comes into effect and thereupon the Shropshire definitive map shall be modified by deleting from it that public right of way.
2. Despite paragraph 1 of this order the 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 extinguished there is apparatus under, in, on, over, along or across them 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 footpath over the land situated to the south of where the Railway Line and Watling Steet (track) cross and described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this Order and thereupon the Shropshire definitive map shall be modified by adding that path to it.
4. The operator of the railway crossed by the footpath described in paragraph 1 shall maintain the bridge (which includes the bridge structure, surface, handrail, and steps as well as the new tarmac / asphalt walkway on the western side of the track) to be provided on the new route of FP UN9 (part) as a means of crossing the railway, created by this Order.
5. 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 1

Description of site of existing path or way

The full width of that part of Footpath UN9 from point A on the Order map (SO 4302 8389) running in a WNW direction to point B on the Order map (SO 4301 8390).

Total distance is approximately 25 metres.

PART 2

Description of site of new path or way

From point A on the Order map (SO 4302 8389) a footpath will be created running in a general SSE direction through a pedestrian gate then ascending the footbridge steps, leading up to the bridge crossing. The footpath then turns westwards for 15 metres to cross the rail track. From here the path will descend two flights of stairs in a looping pattern before heading northwards. The footpath will continue northwards from the bottom of the western footbridge steps along a paved surface, through a pedestrian gate for approximately 40 metres. From here the footpath will turn in a westerly direction for around 8 metres before re-joining the Definitive line of FP UN9 at point B on the Order map (SO 4301 8390). A total distance of approximately 108 metres with a width of 1.8 metres along its length.

PART 3

Limitations and Conditions

Pedestrian gate at GR SO 4303 8389 to BS 5709

Pedestrian gate at GR SO 4301 8388 to BS 5709

PART 4

Modification of Definitive Statement

From point A on the Order map (SO 4302 8389) a footpath will be created running in a general SSE direction through a pedestrian gate then ascending the footbridge steps, leading up to the bridge crossing. The footpath then turns westwards for 15 metres to cross the rail track. From here the path will descend two flights of stairs in a looping pattern before heading northwards. The footpath will continue northwards from the bottom of the western footbridge steps along a paved surface, through a pedestrian gate for approximately 40 metres. From here the footpath will turn in a westerly direction for around 8 metres before re-joining the Definitive line of FP UN9 at point B on the Order map (SO 4301 8390). A total distance of approximately 108 metres with a width of 1.8 metres along its length.

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

Variation of Particulars of Path or Way

None

Executed as a deed by affixing the
Common Seal of Shropshire
Council on 23rd February 2023

In the presence of:

DATED 23rd February 2023

SHROPSHIRE COUNCIL

HIGHWAYS ACT 1980, SECTION 119A

WILDLIFE AND COUNTYSIDE ACT 1981,
SECTION 53A(2)

THE SHROPSHIRE COUNCIL
(FP UN9 (PART) PARISH OF WISTANSTOW
RAIL CROSSING DIVERSION)
ORDER 2023

OUTDOOR PARTNERSHIPS
HOMES AND COMMUNITIES
THE SHIREHALL
ABBAY FOREGATE
SHREWSBURY

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