

## FOOTPATH CREATION AGREEMENT AT OAKS WOOD IN THE PARISH OF LONGDEN 2022

This Public Path Creation and Maintenance Agreement is made on the <sup>19<sup>th</sup> October</sup> 2022~~23~~ between Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND ("the Council") and Mr Nicholas Marple ("the Owner").

Whereas:

### **(1) Title of owner**

The Owner is registered as proprietor with an absolute freehold title under Title No. SL133925 of the land ("the land") situate in Oaks Wood in the parish of the Council known as Longden and shown edged in red on the first plan annexed ("Plan A")

### **(2) Right of Way**

The Owner intends to dedicate a public right of way as a Footpath across the land and such right of way is shown on the second plan annexed ("Plan B") by a bold broken black line between points A (SJ 4110 0394) and C (SJ 4111 0392).

### **(3) Repair and Maintenance**

The Owner and The Council are responsible for the repair and maintenance costs of the Footpath in accordance with the Highways Act 1980.

### **(4) Needs of agriculture and forestry**

The Council has consulted all local authorities in whose area the land is situated and has had due regard to the needs of agriculture (including the breeding and keeping of horses) and forestry and the desirability of conserving flora, fauna and geographical features.

### **(5) Statutory Authority**

The Council enters into this agreement pursuant to its powers under Section 25 of the Highways Act 1980, Section 111 of the Local Government Act 1972 and the Covenants on the part of the owner are ones to which Section 33 of The Local Government (Miscellaneous Provisions) Act 1982 apply. Now It Is Agreed As Follows:

#### **1. Condition Precedent**

This agreement is conditional upon and shall not come into effect until:



(i) The Shropshire Council (Public Bridleway No.29 (part) Longden Parish) Definitive Map Modification Order 2022 has been confirmed.

(ii) The Council confirm to the Owner that any works required to bring the footpath created by this Agreement have been completed to the satisfaction of the Council.

## **2. Grant**

The Owner dedicates for use by the public for the purpose of a footpath the strip of land ("the Strip") shown on Plan B running between points A to C and having a width of not less than 2 metres and described in the First Schedule hereto to the intent that the Strip shall be enjoyed by the public as a footpath.

## **3. Works**

The footpath ("the footpath") along the route indicated by a bold broken black line between points A to C on Plan B requires waymarking appropriately.

## **4. Repair and Maintenance**

The Owner hereby covenants with the Council that the Owner and his successors in title shall maintain the footpath between points A to C in good repair at all times and in a fit condition for use by the public as a footpath.

## **5. Proof of Title**

The Owner shall, (at the Owner's expense), if called upon by the Council prove their title to the Strip as beneficial owner in fee simple.

## **6. Notice of Dedication**

The Council will give notice of the dedication of the footpath pursuant to section 25(6) of the Highways Act 1980.

## **7. Registration**

The Owner is advised (at the Owner's expense) to request the Land Registry, upon completion of this agreement, to enter notice of this agreement on the relevant land registry title mentioned herein and forward evidence to the Council upon completion.

8. Each party shall be responsible for its own costs and expenses incurred in connection with the negotiation, preparation and execution of this agreement, but for the avoidance of doubt the costs of advertising the dedication in accordance with Article 7 of this Agreement will be met by the Council.

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**First Schedule**

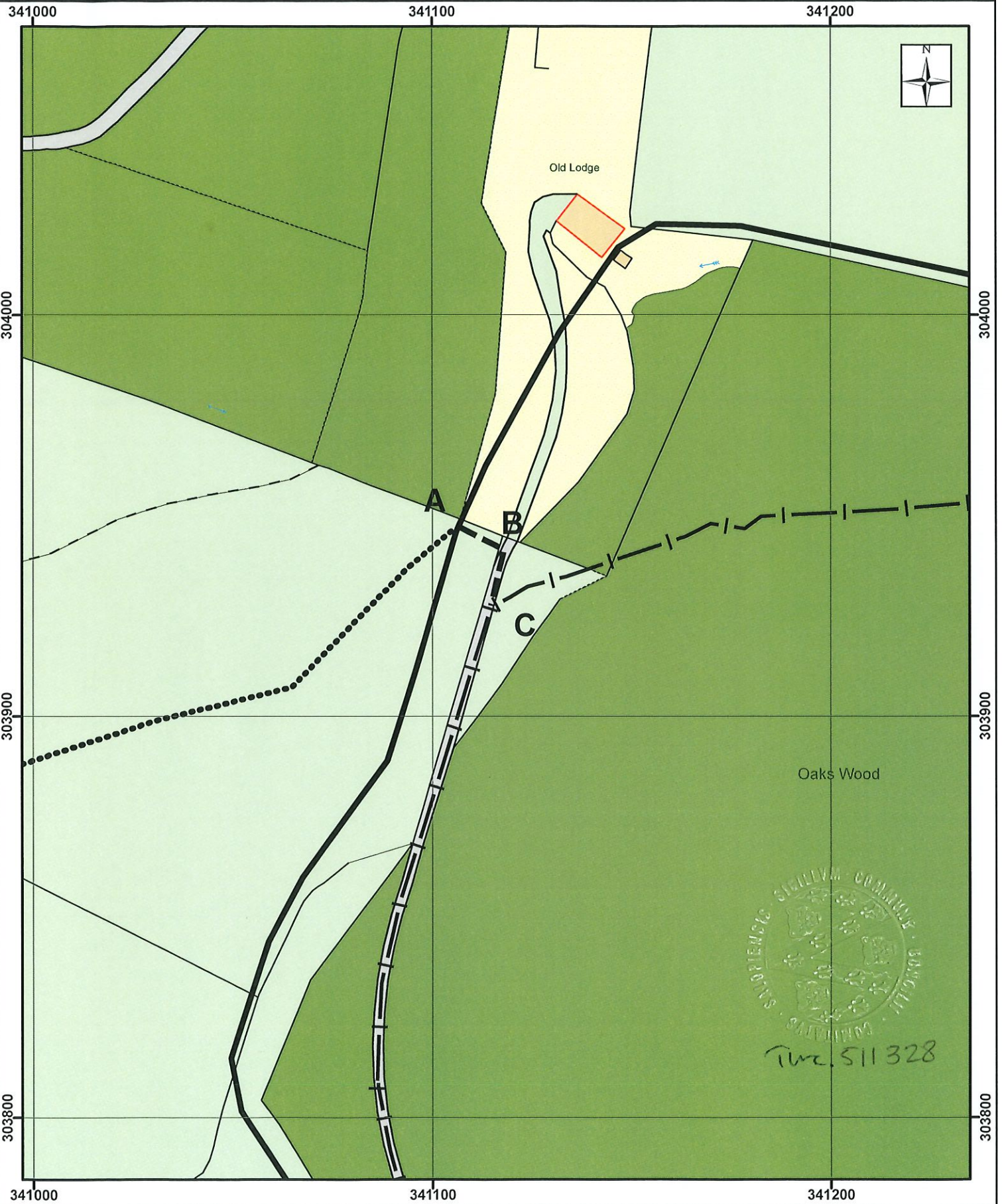
A footpath to be created in the Parish of Longden from point A on the attached plan (SJ 4110 0394)) running in a general east-south-easterly direction across a field for approximately 12 metres to point B (SJ41110394) where there is an existing wooden stile, it then turns to follow a general southerly direction along a section of grassed track for approximately 15 metres to its junction with the proposed outlet for BW 29 line amendment at point C on the plan (SJ 4111 0392). The footpath to be created is a total distance of approximately 27 metres with a width of 2 metres throughout.

**Second Schedule**

No works are required apart from appropriate waymarking.

In Witness whereof the Parties hereto have executed this Agreement as a Deed and have delivered it upon dating the day and year first before written.





Key

- Route to be created
- Route to be extinguished
- Existing to remain

Scale: 1:1,250

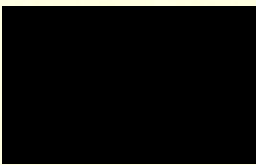


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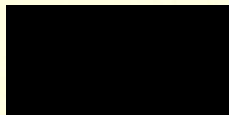


SIGNED AS A DEED BY THE SAID

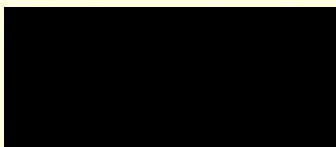
MR. NICHOLAS MARPLE



IN THE PRESENCE OF:



A.A. SMITH



EXECUTED AS A DEED BY AFFIXING THE  
COMMON SEAL OF SHROPSHIRE  
COUNCIL ON 19<sup>th</sup> October 2023



IN THE PRESENCE OF:

*Tim Collard*

511328

Tim Collard  
Assistant Director, Legal and Governance  
(Monitoring Officer)