



**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 123  
PARISH OF WHITCHURCH URBAN) PUBLIC PATH DIVERSION ORDER 2024.**

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 under planning reference 22/04360/FUL to enable development of 561 dwellings; formation of sports pitches with associated car parking and sports club; land for the erection of primary school; landscaping scheme to include open spaces, equipped play area; diversion of public rights of way; demolition of all buildings on site and associated infrastructure.

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 Owner hereby covenants with the Council that the Owner and the successors in title shall always maintain the footpath between points A to C in good repair and in a fit condition for use by the public as a footpath.
4. 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 way referred to in paragraph 1 of this order and the 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.
5. 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 FP 123 leaving its junction with FP 128 at point A on the Order map at grid reference SJ 5443 4029 running in a general NNW direction to BW 125 at point B on the Order map at grid reference SJ 5435 4048. A total distance of approximately of 213 metres.



## **PART 2**

### **Description of site of alternative highway**

Leaving its junction with FP 128 at point A on the Order map at grid reference SJ 5443 4029 running in a general NNE direction along the inside boundary of the public open space, then in a general north westerly then northerly direction over the public open space to join the highway, crossing over the highway and continuing in a general WNW direction along a 2 metre wide surfaced path, alongside the highway to re-join BW 125 at point C on the Order map at grid reference SJ 5428 4040. A total distance of approximately 236 metres with a width of 2 metres throughout its length.

## **PART 3**

### **Modification of Definitive Statement**

Leaving its junction with FP 128 at point A on the Order map at grid reference SJ 5443 4029 running in a general NNE direction along the inside boundary of the public open space, then in a general north westerly then northerly direction over the public open space to join the highway, crossing over the highway and continuing in a general WNW direction along a 2 metre wide surfaced path, alongside the highway to re-join BW 125 at point C on the Order map at grid reference SJ 5428 4040. A total distance of approximately 236 metres with a width of 2 metres throughout its length.

There is no Shropshire definitive statement for the remainder of FP 123 Whitchurch Urban.

**Variation of Particulars of Path of Way**

*None*

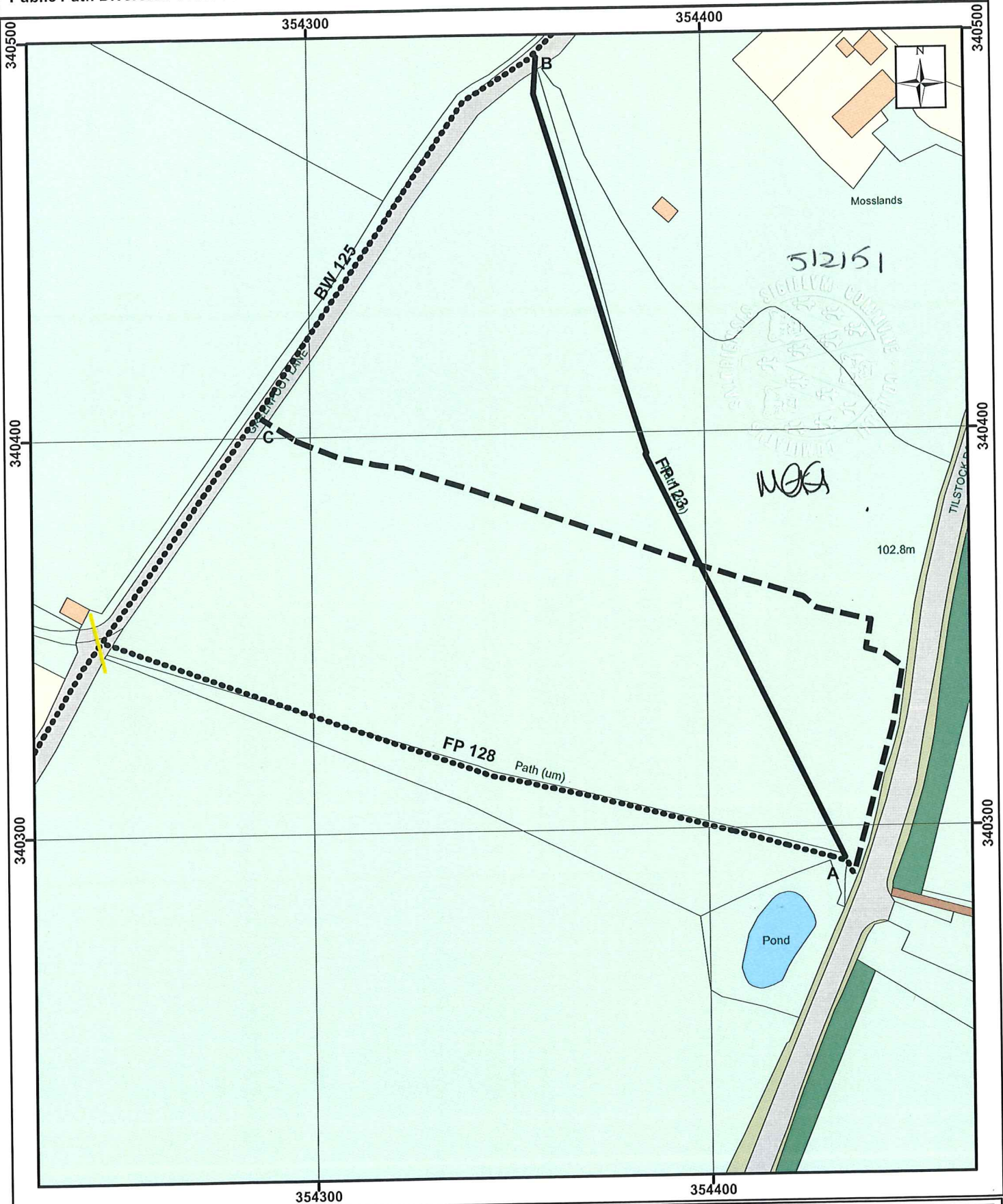
512151

Executed as a deed by affixing the  
Common Seal of Shropshire  
Council.  
In the presence of:



A handwritten signature in black ink, appearing to read "Miranda", is written over the printed name.

Miranda Garrard  
Head of Legal and Democratic Services



Key

Scale: 1:1,250

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

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DATED 11<sup>th</sup> April 2024

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MODIFICATION ORDER  
TOWN AND COUNTRY PLANNING ACT  
1990, SECTION 257  
WILDLIFE AND COUNTRYSIDE ACT 1981,  
SECTION 53(A)(2)

THE SHROPSHIRE COUNCIL  
(FP 123 PARISH OF WHITCHURCH  
URBAN) PUBLIC PATH DIVERSION  
ORDER 2024.

SHROPSHIRE OUTDOOR PARTNERSHIPS  
SERVICE  
HOMES & COMMUNITIES  
SHROPSHIRE COUNCIL  
THE SHIREHALL  
ABBAY FOREGATE  
SHREWSBURY

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