

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

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

**PROPOSED DIVERSION OF RESTRICTED BRIDLEWAY 9 (PART), TOWN OF MARKET
DRAYTON AND BRIDLWAY 9B, PARISH OF MORETON SAY**

STATEMENT OF REASONS FOR MAKING THE ORDER

Under the Highways Act 1980, Councils have the power to make orders to create, extinguish (close) or divert public rights of way and under the Wildlife and Countryside Act 1981 modify the Definitive Map and Statement accordingly. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

This statement has been prepared to explain various aspects of the order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

An application to divert part of Bridleway 9 in the parish of Market Drayton was submitted on 24th August 2016 by Barratt Homes Mercia and David Wilson Homes Mercia. The diversion was submitted as part of planning application 16/03082/REM for development of 162 residential units, associated open space and landscaping on land adjacent to Rush Lane, pursuant to APP/L3245/A/14/2227146, allowed on appeal.

The proposed diversion route will take the bridleway through proposed public open space associated with the development. However, as the diversion is not strictly necessary to enable the development to take place, the application has been made under Section 119 of the Highways Act 1980, rather than Section 257 of the Town & Country Planning Act 1990.

Officers have also decided to include Moreton Say Bridleway 9B as part of the diversion order. As that part of the bridleway which crosses the A53 (which is also the parish boundary) was not legally stopped up when the A53 was constructed (for reasons unknown), Bridleway 9 and Bridleway 9B are shown on the Definitive Map as one continuous route which crosses the A53, rather than terminating and commencing on it. By diverting both bridleways as part of the one diversion order, this issue will also be resolved.

There has been significant negotiation between council officers and the developers regarding the surface type of the proposed route. A compromise has been reached, whereby the proposed route will have a dual surface – a 3m wide grass surface suitable for horse riders and a 1.8m wide tarmaced surface for other users.

A Section 278 agreement has been entered into between Highways Development Control and the developer, to facilitate the construction of a new roundabout on the A53, which will link the proposed development with the highways network. As part of the works, a pedestrian/bridleway crossing will be constructed across the proposed estate road between points D and E. Another pedestrian/bridleway crossing will be constructed across the A53 at point F, approximately 33m south west of the new roundabout, which will connect the proposed diversion route with the continuation of the rights of way network, namely Moreton Say Restricted Byway 8.

All works to make the proposed alternative route available will be undertaken prior to any order confirmation and will be undertaken by the applicant.

The cost of the diversion will be met by the applicant according to the cost schedule.

It is considered that the proposed diversion fulfils the criteria specified under section 119 of the Highways Act 1980 in that the order would be in the interests of the landowner to divert the route. The proposed alternative route is considered to be more convenient than the existing route and will maintain links with the existing rights of way network.

The order will come into effect only after it has been confirmed: making and advertising the order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the order must be made in writing by 8th January 2018 to the Rights of Way and Enforcement Manager, Outdoor Partnerships Service, Infrastructure and Communities, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND or by email to outdoor.recreation@shropshire.gov.uk .

The Shropshire Council will be willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact Shona Butter, Rights of Way and Enforcement Manager, Shropshire Outdoor Partnerships Service, Infrastructure and Communities, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND; email shona.butter@shropshire.gov.uk or by telephone on 01743 255062.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the council will have to refer the order to the Department of the Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the council will be able to confirm the order itself but it has no power to modify orders.

Where a new path is being created (by a creation or diversion order) the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.