

**NOTICE OF 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 14B (PART), PARISH OF  
CHELMARSH) PUBLIC PATH DIVERSION ORDER 2016**

The above order was made on 17<sup>th</sup> November 2016. The effect of the order will be to divert

the full width of that part of Footpath 14B, Chelmarsh, from point A (SO 7289 8661) on the Order Map, running in a general easterly direction to point B (SO 7295 8662) on the Order Map; a total distance of approximately 68 metres; **onto a line** from a pedestrian gate to BS5709.2006 where the route leaves the County Road at point C (SO 7289 8662) on the Order Map, running in a general east-north-easterly direction following the southern side of a boundary on a stoned surface for approximately 60 metres, then turning to continue following the boundary in a general south easterly then south-south-westerly direction for a further 20 metres to point B (SO 7295 8662) on the order map to a pedestrian gate to BS5709.2006 and the continuation of Footpath 14B; a total distance of approximately 80 metres with a width of 2 metres throughout.

A copy of the order and the order map may be seen free of charge at the Council offices at the Shirehall, Abbey Foregate, Shrewsbury or via the Council's website at [www.shropshire.gov.uk/outdoor-recreation/countryside-access-and-public-rights-of-way/current-public-path-orders](http://www.shropshire.gov.uk/outdoor-recreation/countryside-access-and-public-rights-of-way/current-public-path-orders). Copies of the order and map may be bought from the Council, at the above address at a price of £6.50.

Any representation about or objection to the order may be sent or delivered in writing addressed to the Mapping and Enforcement Manager, Outdoor Partnerships, Infrastructure and Communities, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or by email to [outdoor.recreation@shropshire.gov.uk](mailto:outdoor.recreation@shropshire.gov.uk) not later than 16<sup>th</sup> December 2016. Please state the grounds on which it is made.

If no such representations or objections are duly made, or if any so made are withdrawn, the Council may itself confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations or objections which have not been withdrawn will be sent with the order.

Dated 17<sup>th</sup> November 2016

SHONA BUTTER  
MAPPING AND ENFORCEMENT MANAGER  
OUTDOOR PARTNERSHIPS

The Shirehall, Abbey Foregate, Shrewsbury.

*If you require any further information, please contact Shona Butter on 01743 255062.*

*Data Protection: Please note that representations received may be reproduced, stored and copied in connection with the processing of the above named Order and /or any Public Inquiry. Information will not be used for additional purposes without consent. Representations without a name and address will be treated as anonymous which may affect their weight in the decision making process. Please note that details of objections including names and addresses may be provided to members of the public under the Freedom of Information Act 2000.*

**TOWN AND COUNTRY PLANNING ACT 1990  
WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**PROPOSED EXTINGUISHMENT OF  
FOOTPATH 14B (PART), PARISH OF CHELMARSH  
STATEMENT OF REASONS FOR MAKING THE ORDER**

Under the Town and Country Planning Act 1990, Councils have the power to make orders to, stop up (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 the above public footpath was made on the 18<sup>th</sup> July 2016 by the landowner. The amendment is required to allow the construction of four dwellings on the site of the former King's Arms Public House in Sutton under planning reference 14/02727/FULL which has been granted. The current line of the footpath runs through what was the car park adjacent to the Public House.

The applicant's agent has been in consultation with the Rights of Way Officer from an early stage and the changes proposed in this document were the result of consultation with Shropshire Council.

The full costs of the order will be met by the applicant according to the standard scale.

The existing and proposed paths will be similar in terms of gradient and the new route only slightly longer. There will be a new pedestrian gate where the proposed route leaves the County Road and another pedestrian gate where the route leaves the site to replace an existing stile.

Officers are satisfied that the proposed order complies with the legal tests laid down by section 257 of the 1990 Act, namely that the diversion is necessary to allow the development to be carried out in accordance with planning consent.

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 16<sup>th</sup> November 2016 to the Rights of Way Mapping 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](mailto:outdoor.recreation@shropshire.gov.uk).

Reasons Diversion FP 14B Chelmarsh

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, Mapping and Enforcement Manager, Shropshire Outdoor Partnerships Service, Infrastructure and Communities, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND; email [shona.butter@shropshire.gov.uk](mailto: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.



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**THE SHROPSHIRE COUNCIL (FOOTPATH 14B (PART) PARISH OF  
CHELMARSH) PUBLIC PATH DIVERSION ORDER 2016**

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: the construction of a housing development under planning reference 14/02727/FUL

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 stopped up, 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 confirm this order, 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 14B, Chelmarsh, from point A (SO 7289 8661) on the Order Map, running in a general easterly direction to point B (SO 7295 8662) on the Order Map; a total distance of approximately 68 metres.

### **PART 2**

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

That part of Footpath 14B, Chelmarsh, from a pedestrian gate to BS5709.2006 where the route leaves the County Road at point C (SO 7289 8662) on the Order Map, running in a general east-north-easterly direction following the southern side of a boundary on a stoned surface for approximately 60 metres, then turning to continue following the boundary in a general south easterly then south-south-westerly direction for a further 20 metres to point B (SO 7295 8662) on the order map to a pedestrian gate to BS5709.2006 and the continuation of Footpath 14B; a total distance of approximately 80 metres with a width of 2 metres throughout.

**PART 3**

**Modification of Definitive Statement**

There is no Shropshire definitive statement for the remainder of Footpath 14B  
Chelmarsh

**Variation of Particulars of Path of Way**

None

Executed as a deed by affixing the  
Common Seal of Shropshire  
Council on 17<sup>th</sup> November 2016

In the presence of:

DATED 17<sup>th</sup> NOVEMBER 2016

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THE SHROPSHIRE COUNCIL (FOOTPATH 14B (PART),  
PARISH OF CHELMARSH) PUBLIC PATH DIVERSION  
ORDER 2016

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

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