



**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 (FP 47 & FP'S 46 & 45 (PART) 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 18/00552/REM to enable development of 70 dwellings; formation of two vehicular accesses and estate roads; play area and attenuation pond Approval of reserved matters (layout, access ,scale and landscaping) pursuant to 13/03481/OUT for mixed residential development of 70 dwellings; formation of two vehicular accesses and estate roads; play area and attenuation pond.

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 new footpath 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 47 leaving Mile Bank Road at point A on the Order map at grid reference SJ 5540 4313 running in a general south westerly direction for a distance of approximately 168 metres to point B on the Order map at grid reference SJ 5526 4303.

The full width of FP 46 and part of FP 45 leaving Mile Bank Road at point D on the Order map at grid reference SJ 5522 4309 FP 46 running in a general south easterly direction to point B on the Order map at grid reference SJ 5526 4303 then continuing as FP 45 in a general SSW direction to point E on the Order map at grid reference SJ 5524 4295. A total distance of approximately 160 metres.

PART 2

Description of site of alternative highway

Leaving point A on the Order map at grid reference SJ 5540 4313 running in a general WSW, westerly then south westerly direction on the tarmac surfaced footway, then crossing the highway in a general westerly direction then in a SSW then westerly direction on the tarmac surfaced footway to then cross the highway to point C on the Order map at grid reference SJ 5524 4305. A distance of approximately 195 metres with a surfaced width of 2 metres throughout its length.

Leaving Mile Bank Road at point F on the Order map at grid reference SJ5521 4308 running in a general ESE then south easterly direction on 2 metre wide tarmac surfaced footway then in a general south westerly, south easterly then southerly direction on a 2 metre wide surfaced path to rejoin the Definitive line of FP 46 at point E on the Order map at grid reference SJ 5524 4295. A total distance of approximately 165 metres.

PART 3

Modification of Definitive Statement

Leaving point A on the Order map at grid reference SJ 5540 4313 running in a general WSW, westerly then south westerly direction on the tarmac surfaced footway, then crossing the highway in a general westerly direction then in a SSW then westerly direction on the tarmac surfaced footway to then cross the highway to point C on the Order map at grid reference SJ 5524 4305. A distance of approximately 195 metres with a surfaced width of 2 metres throughout its length.

Leaving Mile Bank Road at point F on the Order map at grid reference SJ5521 4308 running in a general ESE then south easterly direction on 2 metre wide tarmac surfaced footway then in a general south westerly, south easterly then southerly direction on a 2 metre wide surfaced path to rejoin the Definitive line of FP 46 at point E on the Order map at grid reference SJ 5524 4295. A total distance of approximately 165 metres.

There is a no Shropshire definitive statement for the remainder of FP 47, 46 & 45 Whitchurch Urban.

Variation of Particulars of Path of Way

None

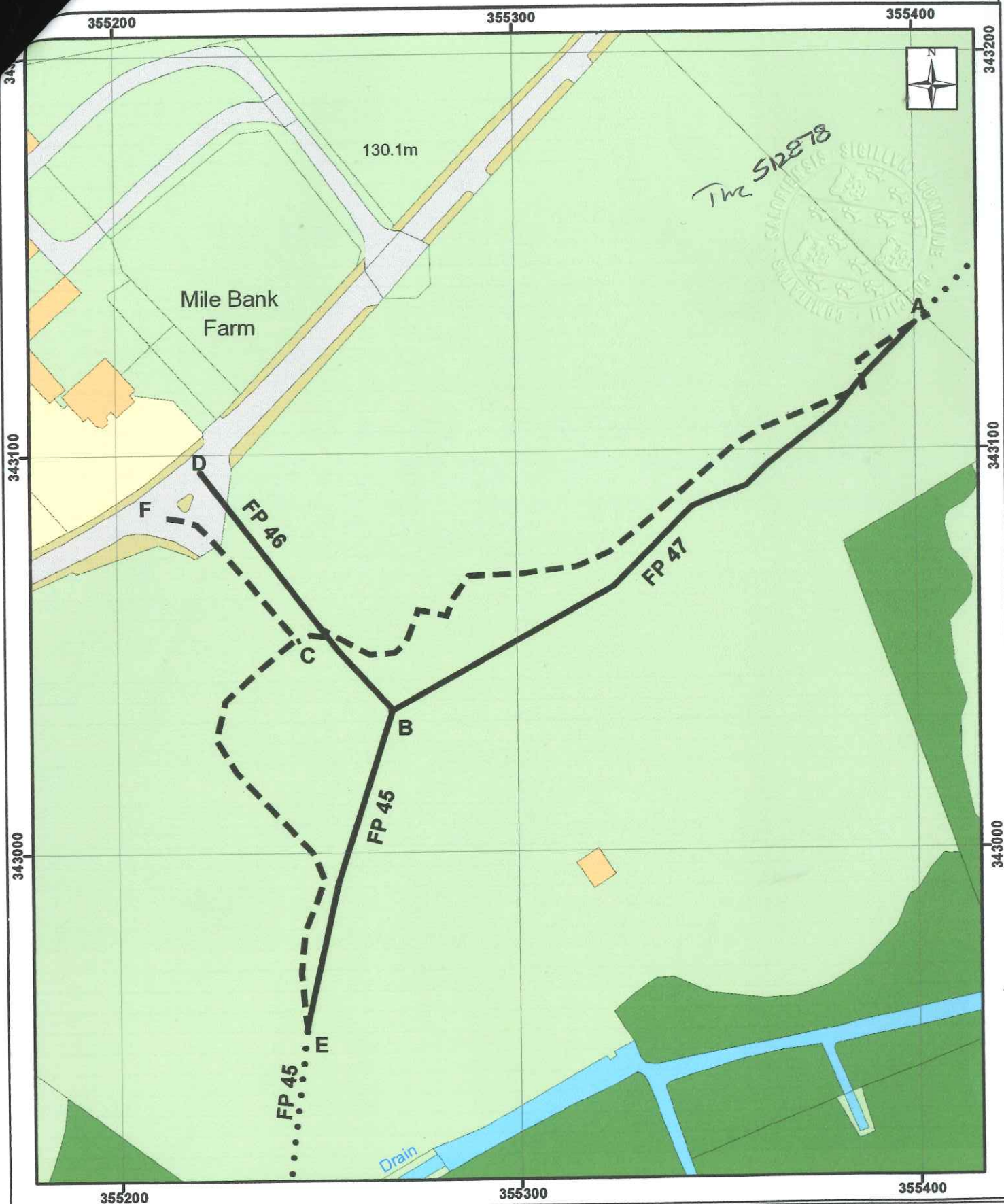
Executed as a deed by affixing the
Common Seal of Shropshire
Council

In the presence of:

T W Collard

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

512578



Key

Scale: 1:1,250

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

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The Shirehall, Abbey Foregate
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DATED 29th August 2024

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

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