

# **NOTICE OF ORDER WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53**

## **The Shropshire Council (Footpath 44R Deletion & Addition, Parishes of Neen Savage and Cleobury Mortimer and Footpath Addition, Parish of Cleobury Mortimer) Modification Order 2013**

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **09 November 2017**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Cleobury Mortimer Market Hall, Church Street, Cleobury Mortimer, DY14 8BX** on **17 April 2018** at **10.00am**.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by:-

i) Footpath 44R Deletion and Addition, Parishes of Neen Savage and Cleobury Mortimer - Order Map 1

deleting the full width of that Footpath 44R, Neen Savage, from point A on Order Map 1 (SO 6678 7639), running in a general easterly direction along the side of a steep sided valley through a field boundary and continuing generally easterly then turning to follow a general east-south-easterly direction descending the river bank to cross a watercourse and the parish boundary into Cleobury Mortimer to continue above trees on the valley side and turning gradually to a general north easterly direction to a junction with Footpath 64, Cleobury Mortimer, at point B on the Order Map (SO 6717 7640), a total distance of approximately 405 metres; and adding Footpath 44R, Cleobury Mortimer, from point C on Order Map 1 (SO 6693 7634), at a junction with Footpath 62, Cleobury Mortimer, running in a general east-north-easterly direction with a width of 1.5 metres along a grassed bank above chalet homes following a stone wall then running down the side of the river bank to the watercourse and the parish boundary, a distance of approximately 200 metres. The route continues as FP 44R, Neen Savage, following a river bank path to the north of the watercourse to point D on the Order Map (SO 6716 7641) at a junction with Footpath 43, Neen Savage, a distance of approximately 60 metres with a width of 1.5 metres.

ii) Footpath Addition, Parish of Cleobury Mortimer - Order Map 2

adding a footpath in the Parish of Cleobury Mortimer from point A on Order Map 2 (SO 6658 7640) where it leaves the County Road, running in a general easterly direction following a surfaced driveway to a junction with Footpath 32, Cleobury Mortimer, at point B on the order map (SO 6681

7636); a total distance of approximately 238 metres with a width of 3 metres throughout.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: clive.richards@pins.gsi.gov.uk. Please quote reference number ROW/3180973 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at The Shirehall (Outdoor Partnerships Office), Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND during normal office hours. Council Contact: Jean Jones, tel: 01743 255056.

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date [by 04 January 2018]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 15 February 2018]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 20 March 2018]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

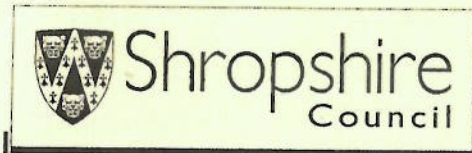
received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry



**SHROPSHIRE COUNCIL**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY FOR SHROPSHIRE**

**THE SHROPSHIRE COUNCIL (FOOTPATH 44R DELETION AND ADDITION,  
PARISHES OF NEEN SAVAGE AND CLEOBURY MORTIMER AND FOOTPATH  
ADDITION, PARISH OF CLEOBURY MORTIMER)  
MODIFICATION ORDER 2013**

This Order is made by the Shropshire Council ("the Council") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the Council that the Shropshire Definitive Map and Statement require modification because in accordance with the provisions of Section 53(3)(c)(i)&(iii) the Council has discovered evidence which (when considered with all other relevant evidence available to them) shows:-

- (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to which this part applies;

and

- (iii) that there is no public right of way over the land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The Council hereby order that:-

1. For the purpose of this Order the relevant date is 1st July 2013.
2. The Shropshire Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as The Shropshire Council (Footpath 44R Deletion and Addition, Parishes of Neen Savage and Cleobury Mortimer and Footpath Addition, Parish of Cleobury Mortimer) Modification Order 2013.

## SCHEDULE

### PART I

#### Modification of Definitive Map

i) Footpath 44R Deletion and Addition, Parishes of Neen Savage and Cleobury Mortimer – Order Map 1

**Description of path or way to be deleted**

The full width of that Footpath 44R, Neen Savage, from point A on Order Map 1 (SO 6678 7639), running in a general easterly direction along the side of a steep sided valley through a field boundary and continuing generally easterly then turning to follow a general east-south-easterly direction descending the river bank to cross a watercourse and the parish boundary into Cleobury Mortimer to continue above trees on the valley side and turning gradually to a general north easterly direction to a junction with Footpath 64, Cleobury Mortimer, at point B on the Order Map (SO 6717 7640); a total distance of approximately 405 metres.

**Description of path or way to be added**

Footpath 44R, Cleobury Mortimer, to be added from point C on Order Map 1 (SO 6693 7634), at a junction with Footpath 62, Cleobury Mortimer, running in a general east-north-easterly direction with a width of 1.5 metres along a grassed bank above chalet homes following a stone wall then running down the side of the river bank to the watercourse and the parish boundary, a distance of approximately 200 metres. The route continues as FP 44R, Neen Savage, following a river bank path to the north of the watercourse to point D on the Order Map (SO 6716 7641) at a junction with Footpath 43, Neen Savage, a distance of approximately 60 metres with a width of 1.5 metres.

ii) Footpath Addition, Parish of Cleobury Mortimer – Order Map 2

**Description of path or way to be added**

A footpath to be added in the Parish of Cleobury Mortimer from point A on Order Map 2 (SO 6658 7640) where it leaves the County Road, running in a general

easterly direction following a surfaced driveway to a junction with Footpath 62, Cleobury Mortimer, at point B on the order map (SO 6681 7636); a total distance of approximately 238 metres with a width of 3 metres throughout.

## PART II

### Modification of Definitive Statement

#### Description of paths or ways to be added

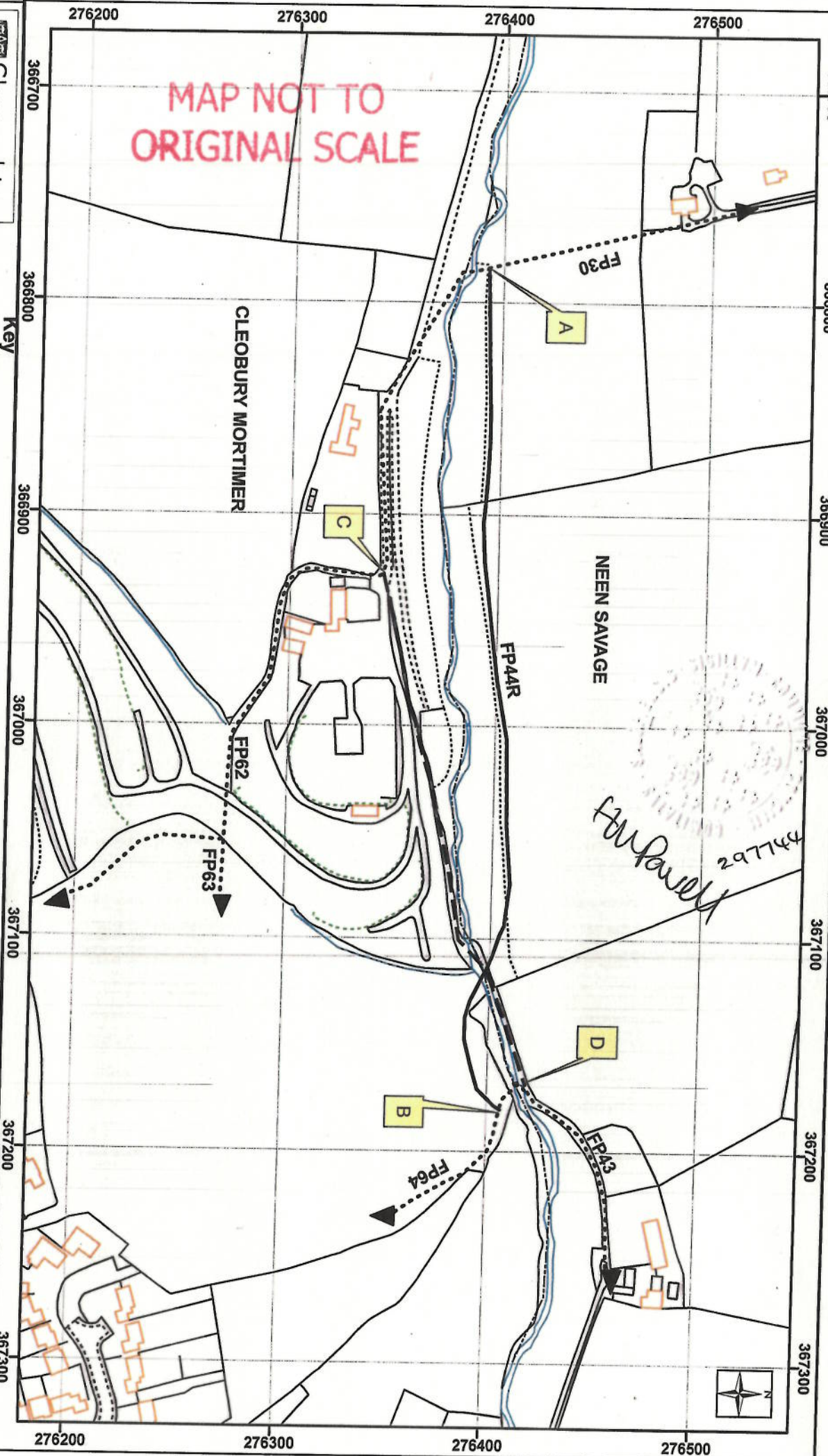
- i) Footpath 44R, Cleobury Mortimer, to be added from point C on Order Map 1 (SO 6693 7634), at a junction with Footpath 62, Cleobury Mortimer, running in a general east-north-easterly direction with a width of 1.5 metres along a grassed bank above chalet homes following a stone wall then running down the side of the river bank to the watercourse and the parish boundary, a distance of approximately 200 metres. The route continues as FP 44R, Neen Savage, following a river bank path to the north of the watercourse to point D on the Order Map (SO 6716 7641) at a junction with Footpath 43, Neen Savage, a distance of approximately 60 metres with a width of 1.5 metres.
- ii) A footpath to be added in the Parish of Cleobury Mortimer from point A on Order Map 2 (SO 6658 7640) where it leaves the County Road, running in a general easterly direction following a surfaced driveway to a junction with Footpath 62, Cleobury Mortimer, at point B on the order map (SO 6681 7636); a total distance of approximately 238 metres with a width of 3 metres throughout.

Executed as a deed by affixing the  
Common Seal of Shropshire Council  
on 19<sup>th</sup> July 2013  
in the presence of:-

*H. Paul*  
Legal Services Manager



297746



MAP NOT TO ORIGINAL SCALE

*H. J. Powell*  
 297744

CLEOBURY MORTIMER

NEEN SAVAGE

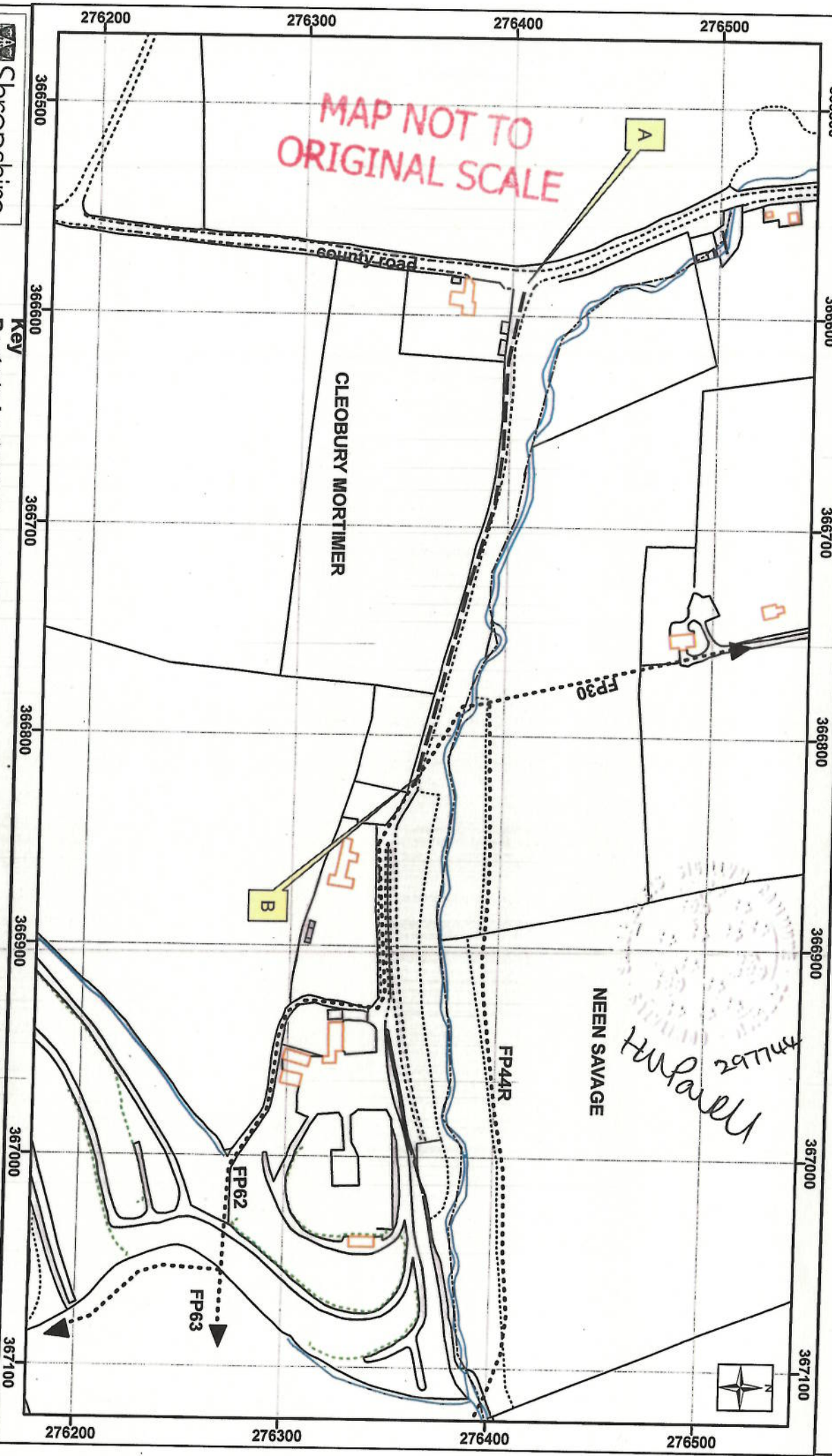
**Key**  
 Route to be deleted  
 Route to be added  
 Existing to remain  
 Parish Boundary



Scale: 1:2,500

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MAP NOT TO ORIGINAL SCALE



**Key**  
 Route to be deleted  
 Route to be added  
 Existing to remain  
 Parish Boundary



Scale: 1:2,500

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DATED 19<sup>th</sup> July 2013

SHROPSHIRE COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT OF  
RIGHTS OF WAY FOR SHROPSHIRE

THE SHROPSHIRE COUNCIL  
(FOOTPATH 44A DELETION AND ADDITION,  
PARISHES OF NEEN SAVAGE AND  
CLEOBURY MORTIMER AND FOOTPATH  
ADDITION, PARISH OF CLEOBURY  
MORTIMER) MODIFICATION ORDER 2013

DEB HUGHES  
SERVICE MANAGER OUTDOOR RECREATION  
THE SHIREHALL  
ABBAY FOREGATE  
SHREWSBURY

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