

NOTICE OF ORDER

Highways Act 1980 – Section 119

Wildlife and Countryside Act 1981 – Section 53

Shropshire Council
(Footpath 16 (Part), Parish Of Berrington) Public Path Diversion Order 2018

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 **1 May 2019**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to **divert** the full width of that part of Footpath 16, Berrington, from point A on the Order map (SJ 5297 0684) where it leaves the Country Road, running a general south westerly direction between the eastern boundary of the site of a new dwelling and a dried up pond then continuing through a small copse to the south western corner of a field at point B (SJ 5291 6676) on the Order map at its junction with the remainder of Footpath 16; a total distance of approximately 110 metres; **onto a line** from point C (SJ 5290 0686) on the Order map where it leaves the Country Road via a pedestrian gate, running in a general southerly followed by south-south-easterly direction following a field edge path on a natural surface point to point B (SJ 5291 6676) on the Order map at its junction with the remainder of Footpath 16; a total distance of approximately 112 metres with a width of 2 metres throughout.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, 3A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: clive.richards@planninginspectorate.gov.uk. Please quote reference number ROW/3219089 on all correspondence.

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

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 15 May 2019]

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, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 26 June 2019]

Everyone who has made an objection or representation or any other written representation 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 full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) 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.

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, 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).

Within 14 weeks of the start date [by 7 August 2019]

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received 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 w/r



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

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

SHROPSHIRE COUNCIL

**THE SHROPSHIRE COUNCIL (FOOTPATH 16 (PART),
PARISH OF BERRINGTON) PUBLIC PATH DIVERSION ORDER 2018**

This Order is made by the Shropshire Council ("the Council") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Council that in the interests of the landowner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the way should be diverted.

This Order is also made under section 53A (2) of the Wildlife 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 shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The public right of way over the land situated at Berrington and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up on the date that the Council certifies that works have been carried out to bring the site of the new footpath described in Part 2 of the Schedule to this Order into a fit condition for use by the public and thereupon the Shropshire definitive map shall be modified by deleting from it the public right of way to be stopped up.

2. Notwithstanding paragraph 1 of this Order statutory undertakers shall have the following rights over the land referred to in paragraph 1 above, namely: 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 right in respect of the apparatus as they then had.

3. There shall on the date of confirmation of this Order be a public footpath over the land situated at Berrington described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this Order and thereupon the Shropshire definitive map shall be modified by adding that path to it.

3A. The Shropshire definitive statement shall be modified as described in Part 4 of the Schedule to this order.

4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

SCHEDULE

PART I

Description of site of existing path or way

The full width of that part of Footpath 16, Berrington, from point A on the order map (SJ 5297 0684) where it leaves the County Road, running in a general south westerly direction between the eastern boundary of the site of a new dwelling and a dried up pond then continuing through a small copse to the south western corner of a field at point B (SJ 5291 6676) on the order map at its junction with the remainder of Footpath 16; a total distance of approximately 110 metres.

PART 2

Description of site of new path or way

That part of Footpath 16 to be created in the Parish of Berrington from point C (SJ 5290 0686) on the order map where it leaves the County Road via a pedestrian gate, running in a general southerly followed by south-south-easterly direction following a field edge path on a natural surface to point B (SJ 5291 6676) on the order map at its junction with the remainder of Footpath 16; a total distance of approximately 112 metres with a width of 2 metres throughout.

PART 3

Limitations and conditions

Pedestrian Gate at Grid Reference SJ 5290 0686 to BS 5709

PART 4

Modification of Definitive Statement

That part of Footpath 16 to be created in the Parish of Berrington from point C (SJ 5290 0686) on the order map where it leaves the County Road via a pedestrian gate, running in a general southerly followed by south-south-easterly direction following a field edge path on a natural surface to point B (SJ 5291 6676) on the order map at its junction with the remainder of Footpath 16; a total distance of approximately 112 metres with a width of 2 metres throughout.

Pedestrian Gate at Grid Reference SJ 5290 0686 to BS 5709

There is no Shropshire definitive statement for the remainder of Footpath 16, Berrington.

Variation of Particulars of Path or Way

None

Executed as a deed by affixing the
Common Seal of Shropshire
Council on 6th September 2018

In the presence of:

HM Parrell
Legal Services
Manager

502740



DATED 6th SEPTEMBER 2018

PUBLIC PATH DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER
HIGHWAYS ACT 1980 (SECTION 119)
WILDLIFE AND COUNTRYSIDE ACT 1981

THE SHROPSHIRE COUNCIL
(FOOTPATH 16 (PART), PARISH OF BERRINGTON)
PUBLIC PATH DIVERSION ORDER 2018

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

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