

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 - SECTION 119 WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53

### Shropshire Council

#### (Footpath 52 (Part) and Footpath 177 (Part)) Parish of Much Wenlock) Public Path Diversion Order 2011

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 07 January 2020

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 that part of Footpath 52 from point A on the order map (SO 6415 9796), running in a general south easterly direction through orchard trees crossing a track south of Orchard Cottage. It then runs along a track between Orchard Cottage and Atterley House in a general east south east direction onto the access road to Atterley Farm where it becomes Footpath 177 and turns to run in a general north easterly direction following the surfaced driveway past the farmhouse, then continuing between buildings to join the continuation of Footpath 177 and its junction with Footpath 176 at point B on the order map (SO 6434 9792), a total distance of approximately 335 metres;

onto a line from point A on the order map (SO 6415 9796), running in a general east south easterly direction between rows of orchard trees on a natural surface with a width of 1.8 metres to a gate (BS 5709:2006 at SO 6426 9792) which leads onto an earth track enclosed by hedges and fence. From here the path turns to run in a general north north easterly direction along the track with a width of 3 metres to a junction of tracks where it turns to run in a general south easterly direction following an earth track with a width of 3 metres to join Footpath 176 and the continuation of Footpath 177 at point B on the order map (SO 6434 9792); a total distance of approximately 268 metres.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: [clive.richards@planninginspectorate.gov.uk](mailto:clive.richards@planninginspectorate.gov.uk). Please quote reference number ROW/3234405 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 21 January 2020]**

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 03 March 2020]**

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 14 April 2020]**

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 52 (PART) AND  
FOOTPATH 177 (PART) PARISH OF MUCH WENLOCK)  
PUBLIC PATH DIVERSION ORDER 2011**

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 footpaths 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 rights of way over the land situated at Atterley 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 of confirmation of this Order and thereupon the Shropshire definitive map shall be modified by deleting from it that public right of way.

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 Atterley described in Part 2 of the Schedule and shown by a bold broken line 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 diversion of the footpaths shall only have effect on the date on which Shropshire Council certifies that any works required to bring the footpaths into a fit condition have been carried out.

5. 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**

That part of Footpath 52 from point A on the order map (SO 6415 9796), running in a general south easterly direction through orchard trees crossing a track south of Orchard Cottage. It then runs along a track between Orchard Cottage and Atterley House in a general east south east direction onto the access road to Atterley Farm where it becomes Footpath 177 and turns to run in a general north easterly direction following the surfaced driveway past the farmhouse, then continuing between buildings to join the continuation of Footpath 177 and its junction with Footpath 176 at point B on the order map (SO 6434 9792); a total distance of approximately 335 metres.

### **PART 2**

#### **Description of site of new path or way**

That part of Footpath 52 from point A on the order map (SO 6415 9796), running in a general east south easterly direction between rows of orchard trees on a natural surface with a width of 1.8 metres to a gate (BS 5709:2006 at SO 6426 9792) which leads onto an earth track enclosed by hedges and fence. From here the path turns to run in a general north north easterly direction along the track with a width of 3 metres to a junction of tracks where it turns to run in a general south easterly direction following an earth track with a width of 3 metres to join Footpath 176 and the continuation of Footpath 177 at point B on the order map (SO 6434 9792); a total distance of approximately 268 metres.

### **PART 3**

#### **Limitations and conditions**

Gate at Grid Reference SO 6426 9792 to BS 5709:2006

## PART 4

### Modification of Definitive Statement

That part of Footpath 52 from point A on the order map (SO 6415 9796), running in a general east south easterly direction between rows of orchard trees on a natural surface with a width of 1.8 metres to a gate (BS 5709:2006 at SO 6426 9792) which leads onto an earth track enclosed by hedges and fence. From here the path turns to run in a general north north easterly direction along the track with a width of 3 metres to a junction of tracks where it turns to run in a general south easterly direction following an earth track with a width of 3 metres to join Footpath 176 and the continuation of Footpath 177 at point B on the order map (SO 6434 9792); a total distance of approximately 268 metres.

There is no Shropshire definitive statement for the remainder of Footpaths 52 and 177, Much Wenlock.

### Variation of Particulars of Path or Way

None

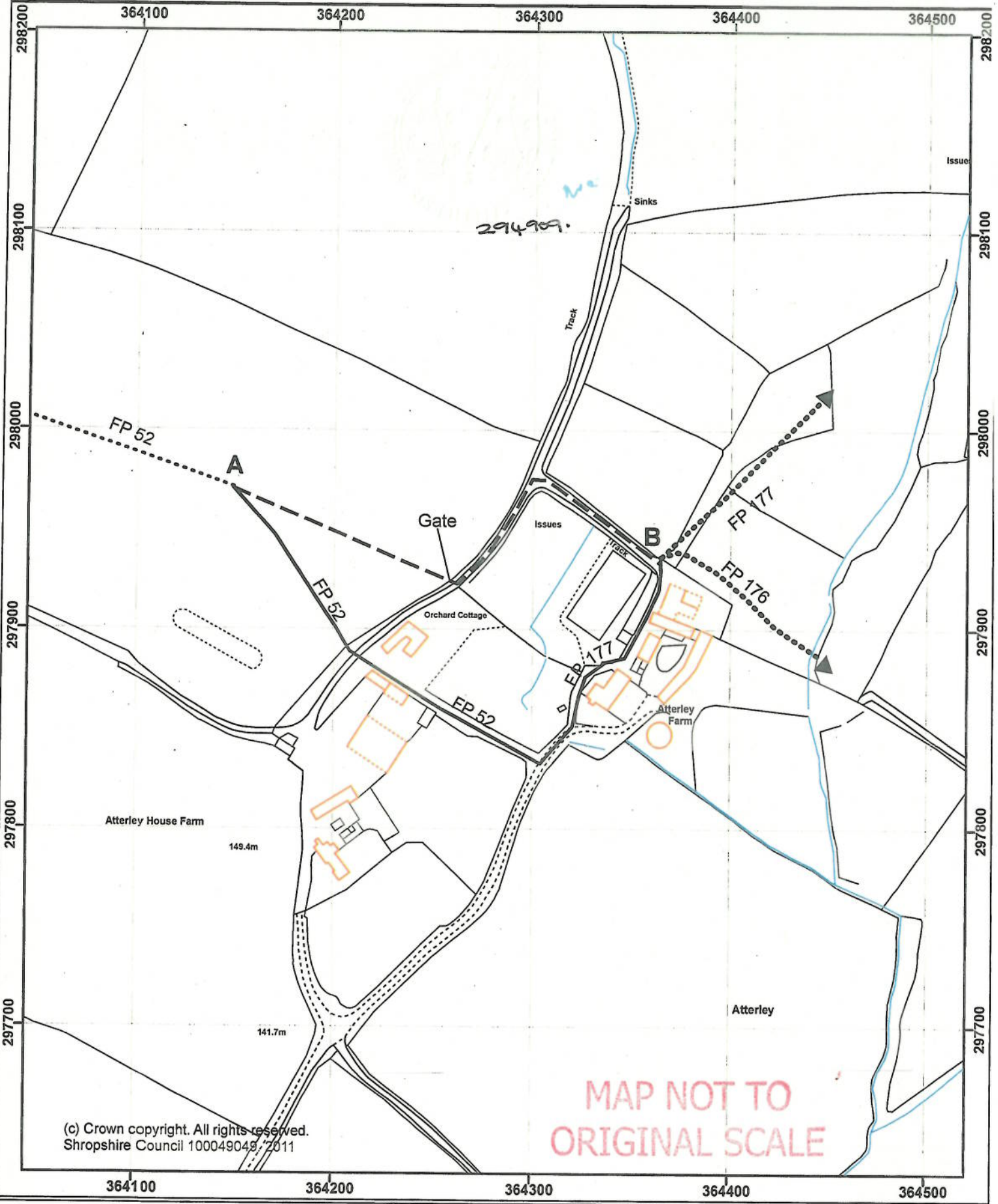
Executed as a deed by affixing the  
Common Seal of Shropshire  
Council on 7<sup>th</sup> January 2011

In the presence of:

TWC Head  
Head of Adults and  
Childrens Law



294909






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Shropshire Council 100049048, 2011

MAP NOT TO ORIGINAL SCALE

**Shropshire Council**  
The Shirehall, Abbey Foregate  
Shrewsbury, Shropshire, SY2 6ND

**Key**

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



Scale 1:2500





DATED 7<sup>th</sup> January 2011

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

THE SHROPSHIRE COUNCIL  
(FOOTPATH 52 (PART) AND  
FOOTPATH 177 (PART),  
PARISH OF MUCH WENLOCK,)  
PUBLIC PATH DIVERSION ORDER 2011

COUNTRYSIDE ACCESS MANAGER  
LEISURE AND OUTDOOR RECREATION  
COMMUNITY SERVICES  
THE SHIREHALL  
ABBAY FOREGATE  
SHREWSBURY

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