

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

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

**THE SHROPSHIRE COUNCIL (FOOTPATHS 10 (PART), PARISH OF  
SUTTON UPON TERN) PUBLIC PATH DIVERSION ORDER**

**STATEMENT OF REASONS FOR MAKING THE ORDER**

Under the Highways Act 1980, Councils have the power to make orders to create, extinguish (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 part of the above numbered footpath on land at Sutton Grange under section 119 of the Highways Act 1980 was submitted on 28th January 2019.

The reasons for applying for this diversion are to take the footpath further away from the cattle sheds in order to enhance the health and safety of the public by reducing the interaction with farm machinery and livestock. The applicant envisages carrying out some site work/development in the future which he states is to guarantee future sustainability of the business. Also, the proposed diverted footpath will be better defined and reduce the risk of straying off the path as well as being better for public safety coming out on the road, with greater visibility away from the current exit onto a sharp, dangerous bend.

The proposed diverted footpath will be located a short distance to the west of its current line following a field edge path throughout. The cost of the diversion will be met in full by the applicant.

Officers are satisfied that the part diversion of Footpath 10 in the parish of Sutton upon Tern complies with the legal tests laid down by section 119 of the 1980 Act, namely that in the interests of the landowner it is expedient to divert the footpath onto a more convenient line. The proposed line of the diverted path is not significantly less convenient for the public and links with the existing network will not be adversely affected.

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 orders must be made in writing by 15<sup>th</sup> November 2019 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).

The Shropshire Council will be willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact Helen Foxall, Rights of Way Legal Orders and Enforcement Officer, Shropshire Outdoor Partnerships Service, Infrastructure and Communities, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND; email [helen.foxall@shropshire.gov.uk](mailto:helen.foxall@shropshire.gov.uk) or by telephone on 01743 257896

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 order.

Where a new path is being created (by a creation or diversion order) the change will come into effect on the date of confirmation.