

**NOTICE OF 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 (BRIDLEWAY 9 (PART)
TOWN OF MARKET DRAYTON) PUBLIC PATH DIVERSION ORDER 2023**

The above order was made on 30th March 2023. The effect of the order will be to divert

The full width of that part of BW 9 leaving Greenfields Lane at point A on the Order Map at grid reference SJ 6662 3474 running in a general north westerly direction to point B on the Order Map at grid reference SJ 6647 3480. A total distance of approximately 155 metres **onto a line** leaving the Definitive line of BW 9 at point A on the Order Map at grid reference SJ 6662 3474 running in a general westerly direction along Greenfields Lane with a varying width of between 4 and 6 metres before turning in a general northerly direction, following the 3.5-metre-wide surfaced path, alongside the main access road. The bridleway then crosses over a side road and continues to follow the 3.5-metre-wide surfaced path, alongside the main access road before turning in a general westerly direction to cross over the access road. The bridleway will continue to run through the Public Open Space along a 3 metre wide surfaced path to re-join the Definitive line of BW 9 at point B on the Order Map at grid reference SJ 6647 3480. A total distance of approximately 204 metres.

A copy of the order and the order map and an explanatory statement have been placed and may be seen on the Council's website at <https://shropshire.gov.uk/outdoor-partnerships/countryside-access-and-public-rights-of-way/current-public-path-orders/> or obtained free of charge via outdoor.recreation@shropshire.gov.uk

Any representations about or objections to the order may be sent in writing to the Mapping and Enforcement Manager, Shropshire Outdoor Partnerships, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or by email to outdoor.recreation@shropshire.gov.uk not later than 29th April 2023. Please state the grounds on which they are made

If no such representations or objections are duly made, or if any so made are withdrawn, the Council may itself confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations or objections which have not been withdrawn will be sent with the order.

Dated 30th March 2023
JANE TRETHEWEY
ASSISTANT DIRECTOR, HOMES AND
COMMUNITIES

The Shirehall, Abbey Foregate, Shrewsbury.

If you require any further information, please contact Kate Nore on 01743 255063

Data Protection: Please note that representations received may be reproduced, stored and copied in connection with the processing of the above named Order and /or any Public Inquiry. Information will not be used for additional purposes without consent. Representations without a name and address will be treated as anonymous which may affect their weight in the decision making process. Please note that details of objections including names and addresses may be provided to members of the public under the Freedom of Information Act 2000.

BW 9 Market Drayton



Shropshire
Council

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

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WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53(A)(2)
THE SHROPSHIRE COUNCIL (BRIDLEWAY 9 (PART)
TOWN OF MARKET DRAYTON) PUBLIC PATH DIVERSION ORDER 2023**

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 bridleway 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 to allow for (Layout, Scale, Appearance and Landscaping) pursuant to 14/03782/OUT for mixed residential development of 209 dwellings, formation of estate roads, play areas, ecological buffer zones, landscaping scheme to include removal of trees | Land Off Greenfields Lane Market Drayton Shropshire under planning references 21/01142/REM.

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 bridleway 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 bridleway as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the bridleway 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.
4. Where immediately before the date on which the bridleway 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 that part of BW 9 leaving Greenfields Lane at point A on the Order Map at grid reference SJ 6662 3474 running in a general north westerly direction to point B on the Order Map at grid reference SJ 6647 3480. A total distance of approximately 155 metres.

PART 2

Description of site of alternative highway

leaving the Definitive line of BW 9 at point A on the Order Map at grid reference SJ 6662 3474 running in a general westerly direction along Greenfields Lane with a varying width of between 4 and 6 metres before turning in a general northerly direction, following the 3.5-metre-wide surfaced path, alongside the main access road. The bridleway then crosses over a side road and continues to follow the 3.5-metre-wide surfaced path, alongside the main access road before turning in a general westerly direction to cross over the access road. The bridleway will continue to run through the Public Open Space along a 3-metre-wide surfaced path to re-join the Definitive line of BW 9 at point B on the Order Map at grid reference SJ 6647 3480. A total distance of approximately 204 metres.

PART 3

Modification of Definitive Statement

leaving the Definitive line of BW 9 at point A on the Order Map at grid reference SJ 6662 3474 running in a general westerly direction along Greenfields Lane with a varying width of between 4 and 6 metres before turning in a general northerly direction, following the 3.5-metre-wide surfaced path, alongside the main access road. The bridleway then crosses over a side road and continues to follow the 3.5-metre-wide surfaced path, alongside the main access road before turning in a general westerly direction to cross over the access road. The bridleway will continue to run through the Public Open Space along a 3 metre wide surfaced path to re-join the Definitive line of BW 9 at point B on the Order Map at grid reference SJ 6647 3480. A total distance of approximately 204 metres

There is a Shropshire definitive statement for part of the continuation of BW 9 Market Drayton.

Variation of Particulars of Path of Way

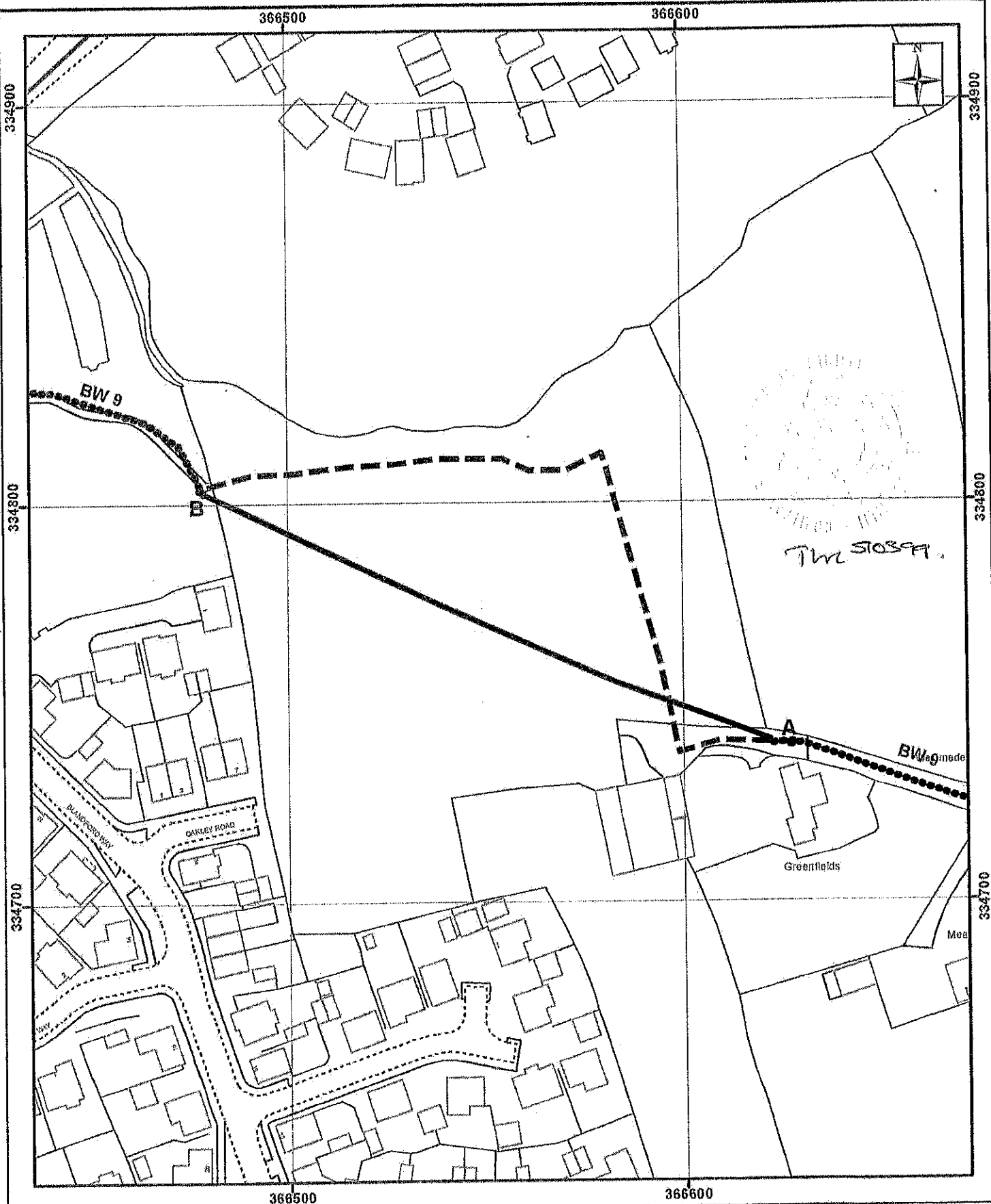
None

Executed as a deed by affixing the
Common Seal of Shropshire
Council on 30th March 2023.
In the presence of:

Tim Collard

510399.




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



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

Key

Scale: 1:1,250

Bridleway to be created 
Bridleway to be extinguished 
Existing to remain 

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DATED 30th March 2023

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
(BW 9 (PART) TOWN OF MARKET
DRAYTON) PUBLIC PATH DIVERSION
ORDER 2023.

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

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**TOWN AND COUNTRY PLANNING ACT 1990
WILDLIFE AND COUNTRYSIDE ACT 1981
PUBLIC PATH ORDER
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

PROPOSED DIVERSION OF BW 9 (PART) TOWN OF MARKET DRAYTON

STATEMENT OF REASONS FOR MAKING THE ORDER

Under the Town & Country Planning Act 1990, 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 Bridleway 9 in the Town of Market Drayton was submitted to Shropshire Council on the 9th February 2022 by Tilia Homes Ltd, the developer of the land over which the bridleway runs.

The diversion will be made under section 257 of the Town & Country Planning act 1990 to allow for development to take place.

The planning application submitted was to allow for (Layout, Scale, Appearance and Landscaping) pursuant to 14/03782/OUT for mixed residential development of 209 dwellings, formation of estate roads, play areas, ecological buffer zones, landscaping scheme to include removal of trees | Land Off Greenfields Lane Market Drayton Shropshire under planning references 21/01142/REM.

Prior to development beginning the bridleway ran across an open field between Greenfields Lane and the David Wilson Homes development, if the bridleway was to remain on its Definitive line it would be obstructed by the newly constructed development.

The applicant wishes to divert the bridleway alongside the access road then continuing within the open space provision to the west to re-join the Definitive line of the bridleway and continuing through the adjoining development.

The applicant in accordance with Shropshire Council's cost schedule will meet the full costs of the order. The developer of the land will undertake any work required on the new route and will meet any costs required to do this work.

Objections or representations relating to the order must be made in writing by 29th April 2023 to the Mapping and Enforcement Manager, Shropshire Outdoor Partnerships, Homes & Communities, Shropshire Council, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or by email to 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 Kate Nore, Land Charges & Planning Support Officer, Shropshire Outdoor Partnerships Service, Homes & Communities, Shropshire Council, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND; email kate.nore@shropshire.gov.uk.

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 orders.

Where a new path is being created (by a creation or diversion order) the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.

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