

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

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

**PROPOSED DIVERSION OF FP UN4&41 (PARTS) PARISH OF WEM RURAL**

**STATEMENT OF REASONS FOR MAKING THE ORDER**

Under the Town and Country Planning Act 1990, Councils have the power to make orders to create, stop up (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 orders.

**THIS STATEMENT DOES NOT FORM PART OF THE ORDER**

An application to divert parts of Footpaths UN4 & 41, Wem Rural, under section 119 of the Highways Act 1980 was submitted on 30<sup>th</sup> January 2014 by the owners of Tilley Barn Farm. The applicants purchased the property around the time that FPUN4 was added to the definitive map by Modification Order. However, there have been concerns locally regarding the owners' large dogs having access to the path and the owners have also complained of dog mess and confrontations with users. Following approaches from the Parish Council and a Local Member the rights of way officer visited the owners to discuss the issue with the dogs.

It is currently impractical to physically separate the right of way from the rest of the property as it currently extends across the area between the house/garden and the yard and stables and it would be impractical for the owners to try and keep the dogs restrained or very closely supervised at all times when moving between these areas. It was agreed that the most expedient solution would be to divert part of the path out of the curtilage of the property but that this would require the agreement of the adjoining landowner. In order to secure this agreement it was suggested that another section of what is essentially the same path (albeit with a different number) that currently diagonally crosses two fields could be diverted, as part of the same order, to run around the field edge and agreement was reached on this basis.

The full costs of the diversion will be met by the applicant and any works required will be undertaken by the applicant. Other associated improvement works to the path that can be negotiated (such as replacing existing stiles with gates) will be undertaken by Shropshire Council. The path is well used by locals.

Officers are satisfied that the diversion 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 footpaths onto a more convenient line. The proposed lines of the paths will not be 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 order must be made in writing by 23<sup>rd</sup> May 2014 to the Service Manager Outdoor Recreation, Economic Growth and Prosperity, 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 Mat Stephens, Rights of Way Officer, Outdoor Recreation, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND.

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/s 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/s itself but it has no power to modify orders.