

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

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

**PROPOSED DIVERSION OF FOOTPATH 21 (PART),
PARISH OF EATON-UNDER-HEYWOOD**

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 footpath 21 at Whitefields Farm, Parish of Eaton-under-Heywood was submitted on 11th April 2024.

The reason for the application is to move the definitive line of the footpath outside the curtilage of Whitefields farmhouse. The section of footpath subject to this application is currently located through the residential garden of this property, in very close proximity to the property's north-west corner and through an outbuilding.

This residential property is understood to have been built in 1975. It is also understood that this section of highway has not been open & available for the public to use since at least the late 1990's.

Diverting this section of footpath into an agricultural field and beyond the curtilage of this property will enhance the privacy and security of its residents.

The proposed diversion route is already open & available for public use and has been since it was established by the landowner in conjunction with Shropshire Council in 2022. The proposed diversion route is already, but incorrectly, signed and waymarked as a Public Footpath.

The cost of the diversion and any resultant works will be met in full by the applicant.

It is considered that the proposed diversion fulfils the criteria specified under section 119 of the Highways Act 1980 in that the order would be in the interests of the landowner to divert the route. The proposed alternative route is considered to be as convenient as the existing route and will maintain links with the existing rights of way network.

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 10th April 2025 to the Rights of Way Team, Shropshire Outdoor Partnerships, 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 Phil Bamber, Rights of Way Legal Orders and Enforcement Officer, Shropshire Outdoor Partnerships, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND; email phil.bamber@shropshire.gov.uk or by telephone on 01743 251724.

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.