



**RAIL CROSSING DIVERSION AND
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980, SECTION 119A
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)**

SHROPSHIRE COUNCIL

**THE SHROPSHIRE COUNCIL (FOOTPATH 51 (PART),
PARISH WISTANSTOW) RAIL CROSSING DIVERSION ORDER 2018**

This Order is made by the Shropshire Council ("the Council") under section 119A of the Highways Act 1980 ("the 1980 Act").

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.

The footpath described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that it should be diverted on to land of another owner as described in the schedule.

BY THIS ORDER:

1. The public right of way over the land situate at Wistanstow, and shown by a bold continuous line on the map attached to this Order and described in Part 1 of the Schedule to this Order shall be extinguished on the date that the Council certifies that works have been carried out to bring the site of the new Footpath described in Part 2 of the Schedule to this Order into

a fit condition for use by the public and thereupon the Shropshire definitive map shall be modified by deleting from it the public right of way to be extinguished.

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 situate at Wistanstow, described in Part 2 of the Schedule and shown by bold broken line on the map attached to 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 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

The full width of that part of Footpath 51, Wistanstow, from point A on the order map (GR SO 4320 8458), where it leaves the A49 Shrewsbury to Ludlow County Road, running in a general west-north-westerly direction across a pasture field to cross the Shrewsbury-Hereford railway via stiles in the railway boundary. It then continues in the same direction over pasture land to point B on the order map (GR SO4292 8476); a total distance of approximately 350 metres.

PART 2

Description of site of new path or way

That part of Footpath 51 to be created in the Parish of Wistanstow from point C on the order map (GR SO 4299 8441) running in a northerly direction along a stone surfaced track for approximately 40 metres to pass through a field gate (GR SO 4299 8444) and then continue in a general north-north easterly followed by northerly than north westerly direction through a pasture field for a further 385 metres to point B on the order map (GR SO 4292 8476) at a junction with the remainder of Footpath 51; a total distance of approximately 425 metres with a width of 2 metres throughout.

PART 3

Limitations and conditions

Field Gate at GR SO 4299 8444 to BS 5709

PART 4

Modification of Definitive Statement

That part of Footpath 51 to be created in the Parish of Wistanstow from point C on the order map (GR SO 4299 8441) running in a northerly direction along a stone surfaced track for approximately 40 metres to pass through a field gate (GR SO 4299 8444) and then continue in a general north-north easterly followed by northerly than north westerly direction through a pasture field for a further 385 metres to point B on the order map (GR SO 4292 8476) at a junction with the remainder of Footpath 51; a total distance of approximately 425 metres with a width of 2 metres throughout.

Field Gate at GR SO 4299 8444 to BS 5709

There is no Shropshire definitive statement for the remainder of Footpath 51, Wistanstow.

Variation of Particulars of Path or Way

None

Executed as a deed by affixing the
Common Seal of Shropshire
Council on 19th October 2018

In the presence of:

DATED 19th OCTOBER 2018

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AND STATEMENT MODIFICATION ORDER
HIGHWAYS ACT 1980 (SECTION 119A)
WILDLIFE AND COUNTRYSIDE ACT 1981
(SECTION 53A(2))

THE SHROPSHIRE COUNCIL
(FOOTPATH 51 (PART), PARISH OF WISTANSTOW)
RAIL CROSSING DIVERSION ORDER 2018

SHROPSHIRE OUTDOOR PARTNERSHIPS SERVICE
INFRASTRUCTURE AND COMMUNITIES
THE SHIREHALL
ABBAY FOREGATE
SHREWSBURY

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