

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

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

**PROPOSED DIVERSION OF RESTRICTED BYWAY 3 (PART) AND FOOTPATH 3
(PART), PARISH OF CHESWARDINE**

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 Restricted Byway 3 and Footpath 3, Cheswardine was submitted on 28th July 2016 by the owners of Haywood Farm, Cheswardine.

The application has been made due to a change in farming operations from storage to use of heavy plant six or seven days per week. The Restricted Byway passes through the farmyard where tractors and delivery vehicles constantly operate and the footpath is a continuation of the Restricted Byway from the farmyard. The yard has recently been granted an operators' licence for five HGVs to run out of the premises making the current definitive line much less safe for public use hence the application to divert the routes from the busy farmyard onto a line of similar length largely along headland paths partly adjacent to woodland.

The only work required to the proposed new routes will be way marking throughout.

The cost of the diversion will be met by the applicant according to the cost schedule.

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 more convenient than 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

8th January 2018 to the Rights of Way 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 .

The Shropshire Council will be willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact Shona Butter, Rights of Way and Enforcement Manager, Shropshire Outdoor Partnerships Service, Infrastructure and Communities, The Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND; email shona.butter@shropshire.gov.uk or by telephone on 01743 255062.

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.