

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

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

**THE SHROPSHIRE COUNCIL PARISH OF HIGHLEY, FOOTPATH 39
PUBLIC PATH DIVERSION ORDER 2026.**

**THE SHROPSHIRE COUNCIL PARISH OF HIGHLEY, FOOTPATH 37 (PART)
PUBLIC PATH EXTINGUISHMENT ORDER 2026.**

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 or way 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

In May 2024, Shropshire Council received an application to divert Footpaths 39 and extinguish part of Footpath 37 in the Parish of Highley.

The application was looking to consolidate the footpaths within the field to create a more direct route between Redstone Drive and Silverdale Terrace and to remove a section of Footpath 37 that currently runs through a fenced in alleyway and along the edge of a pasture field.

After studying the proposal, it was determined that to meet the requirements of the application two Public Path Orders would be required. Firstly, to divert Footpath 39 under Section 119 of the Highways Act 1980 followed by a second order to extinguish part of Footpath 37 under section 118 of the same act.

Currently Footpath 39 runs across a pasture field and connects Footpath 37 to Footpath 38A near Silverdale Terrace. The proposal is for the footpath to be diverted to run over the same field but along a more suitable line. Footpath 38 is also located in the same pasture field but will be unaffected by this proposal.

Currently Footpath 37 runs from Redstone Drive, along a fenced in section to the southeast of number 48 and then through a pedestrian gate into a pasture field. The proposal is to extinguish the part of Footpath 37.

It is considered that FP 37 is not needed for public use due to the diversion of FP 39 running parallel and accessing the same points in the network.

It is recommended that an order be made under section 119 of the Highways Act 1980 to divert Footpath 39 in the Parish of Highley in the interest of the landowners.

It is recommended that an order be made under Section 118 of the Highways Act 1980 to extinguish part of Footpath 37. The order is made as the footpath is no longer needed by the public due to the preceding diversion of Footpath 39 which allows user to still connect to the rights of way in the area.

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 26th February 2026 to the Rights of Way Team, Shropshire Council, Riggs Hall, Castle Gates, Shrewsbury, SY1 2AS 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 Stephen Rodenhurst at stephen.rodenhurst@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.