

NOTICE OF CONFIRMATION OF AN ORDER
HIGHWAYS ACT 1980
WARWICKSHIRE COUNTY COUNCIL
(FOOTPATHS T184 AND T185 SHUTTINGTON)
PUBLIC PATH CREATION ORDER 2013

On the 27 October 2015 the Secretary of State for Environment, Food and Rural Affairs confirmed the above Order made under section 26 of the Highways Act 1980.

The effect of the Order as confirmed is to **CREATE** footpath T184 from Point I on the Shuttington Road (GR 42507 30501), running generally west-south-west for approximately 25 metres to Point J (GR 42505 30501), then generally north-west for approximately 160 metres to Point K on the Shuttington Road (GR 42493 30512) as shown on the Order Plan. The new path shall have a width of 2 metres, commencing 1 metre south-west of the fence line between Points J and K. To **CREATE** footpath T185 from Point L on the Shuttington Road (GR 42481 30507), running generally north-east for approximately 30 metres to Point L¹, then generally south-east for approximately 150 metres (at a distance of 3 metres from the southern bank of the River Anker) to Point L² then generally south-west for approximately 70 metres to Point L³ then generally south-east for approximately 350 metres to Point M (GR 42512 30464), then generally south-west for approximately 225 metres to Point N on Robey's Lane (GR 42500 30446) as shown on the order plan. The new path shall have a width of 2 metres.

A copy of the Order and the Order Plan have been placed and may be seen free of charge at the offices of Warwickshire County Council, Shire Hall, Market Square, Warwick CV34 4SA from 8am - 5.30pm on weekdays, (5pm Fridays) and 9am - 4pm Saturdays. A copy of the Order and Order Plan may be bought there at the price of £5.55. Copies may also be inspected at the offices of the North Warwickshire Borough Council, South Street, Atherstone, CV9 1DE from 08:30am - 17:15pm on weekdays and at www.warwickshire.gov.uk/pathorders.

The Order comes into force on 11/12/2015, but if a person aggrieved by the order wants to question its validity, or that of any provision contained in it, on the ground that any requirement of the Act, as amended, or if any regulation made under the Act has not been complied with in relation to the order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within 6 weeks from 19/11/15, make an application to the High Court.

Dated 19/11/15
Shire Hall, Warwick

Sarah Duxbury
Head of Law and Governance

Order Decision

Site visit made on 30 June 2015

by Alan Beckett BA MSc MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 27 OCT 2015

Order Ref: FPS/H3700/6/17M

- This Order is made under Section 26 of the Highways Act 1980 (the 1980 Act) and is known as Warwickshire County Council (Footpaths T184 and T185 Shuttington) Public Path Creation Order 2013.
- Warwickshire County Council (the Council) submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
- The Order is dated 17 October 2013. The Order was the subject of an interim decision dated 7 August 2015 in which I proposed to confirm the Order subject to a modification which required advertisement.

Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.

Procedural Matters

1. The effect of the Order, if confirmed with the modification that I previously proposed, would be to modify the Definitive Map and Statement for the area by creating a footpath (to be known as footpath T185) on the alignment L – L¹ – L² – L³ – M – N as opposed to the alignment L – M – N as originally proposed in the Order.
2. In my interim decision of 7 August 2015, I proposed to confirm the Order subject to the modification described in paragraph 1 above. Since this modification would affect land not affected by the Order as originally made I was required by virtue of paragraph 2(3) of Schedule 6 to the 1980 Act to give notice of my proposal to modify the Order.
3. One representation was received following advertisement of the notice and deposit of the associated documents relating to the proposed modification. This representation was made by the Council which requested clarification as to whether the proposed description of the path replaced the whole of the schedule relating to footpath T185 (including the description of the width) or just the first paragraph of the schedule.
4. For the avoidance of doubt, the proposed modification relates only to the description of the position and alignment of footpath T185 and not to its width. The proposed width of the path as set out in the second paragraph of the schedule is unaffected by my proposed modification.

Other Matter

5. In my interim decision of 7 August 2015, I referred to the owners of the land crossed by footpath T185 as Mr & Mrs Stephenson. This was an error on my

part as the owners of the land are Mr & Mrs Parkinson. I offer an unreserved apology for any confusion or embarrassment my error may have caused.

Conclusion

6. Bearing in mind the above, I conclude that the Order should be confirmed subject to the modifications set out in paragraph 61 of my interim decision dated 7 August 2015.

Formal Decision

7. I confirm the Order subject to the modifications previously proposed, namely:

In the Order schedule replace the description of footpath T185 with the following:

"From Point L on the Shuttington Road (grid reference 42481 30507), running generally north-east for approximately 30 metres to Point L¹, then generally south-east for approximately 150 metres (at a distance of 3 metres from the southern bank of the River Anker) to Point L² then generally south-west for approximately 70 metres to Point L³ then generally south-east for approximately 350 metres to point M (grid reference 42512 30464), then generally south-west for approximately 225 metres to Point N on Robey's Lane (grid reference 42500 30446) as shown on the Order plan."

In the Order plan, show the proposed modified route by means of a bold broken line between points L¹, L² and L³; amend the key to show the distance of L – M – N would be 825 metres.

Alan Beckett

Inspector

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424900

425000

425100

Lake

305100

305000

304900

304800

304700

304600

304500

424700

424800

424900

425000

425100

Shuttington Road

River Anker

K

T184

Shuttington Road

I

J

Pond

V

T185

MAP NOT TO
ORIGINAL SCALE

Lake

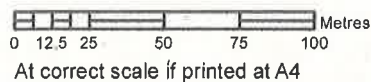
**Creation Order
Public Footpaths T184 and T185
in the Parish of Shuttington
Highways Act 1980 Section 26**

- - T184 to be created between Points I-J-K.
Distance 185 metres.
- - T185 to be created between Points L-M-N.
Distance 755 metres.

825



Scale: 1:2,500



Plan ref: P2010/009G/CO

M

Robey's Lane

N

PUBLIC PATH CREATION ORDER

HIGHWAYS ACT 1980

WARWICKSHIRE COUNTY COUNCIL

(FOOTPATHS T184 AND T185 SHUTTINGTON) PUBLIC PATH CREATION ORDER 2013

This Order is made by Warwickshire County Council ("the authority") under section 26 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that, having regard to the matters set out in section 26(1), there is a need for a public footpaths over the land to which this Order relates, and that it is expedient that the footpaths should be created.

North Warwickshire Borough Council has been consulted as required by section 26(3) of the 1980 Act.

BY THIS ORDER:

1. There shall be 45 days from the date of confirmation of this Order public footpaths over the land situate at **Shuttington** described in Part 1 of the Schedule to this Order and shown by a bold broken line on the plan numbered P2010/009G/CO contained in this Order ('the Order Plan').
2. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 2 of the Schedule.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF NEW PATH OR WAY

Public Footpath T184 Between Points I-J and K on the Order Plan

From Point I on the Shuttington Road (grid reference 42507 30501), running generally west-south-west for approximately 25 metres to Point J (grid reference 42505 30501), then generally north west for approximately 160 metres to Point K on the Shuttington Road (grid reference 42493 30512) as shown on the Order Plan.

The new path shall have a width of 2 metres, commencing 1 metre south west of the fence line between Points J and K.

Public Footpath T185

Between Points L-M and N on the Order Plan

From Point L on the Shuttington Road (grid reference 42481 30507), running generally north-east for approximately 30 metres to Point L¹, then generally south-east for approximately 150 metres (at a distance of 3 metres from the southern bank of the River Anker) to Point L² then generally south-west for approximately 70 metres to Point L³ then generally south-east for approximately 350 metres to point M (grid reference 42512 30464), then generally south-west for approximately 225 metres to Point N on Robey's Lane (grid reference 42500 30446) as shown on the Order plan.

The new path shall have a width of 2 metres.

**PART 2
LIMITATIONS AND CONDITIONS**

There shall be no limitations or conditions.

GIVEN under the Seal of the Council this day

17 of October 2013

The COMMON SEAL of the)
Warwickshire County Council)
was hereunto affixed in)
the presence of:-)



HJ Buard

Designated Officer.

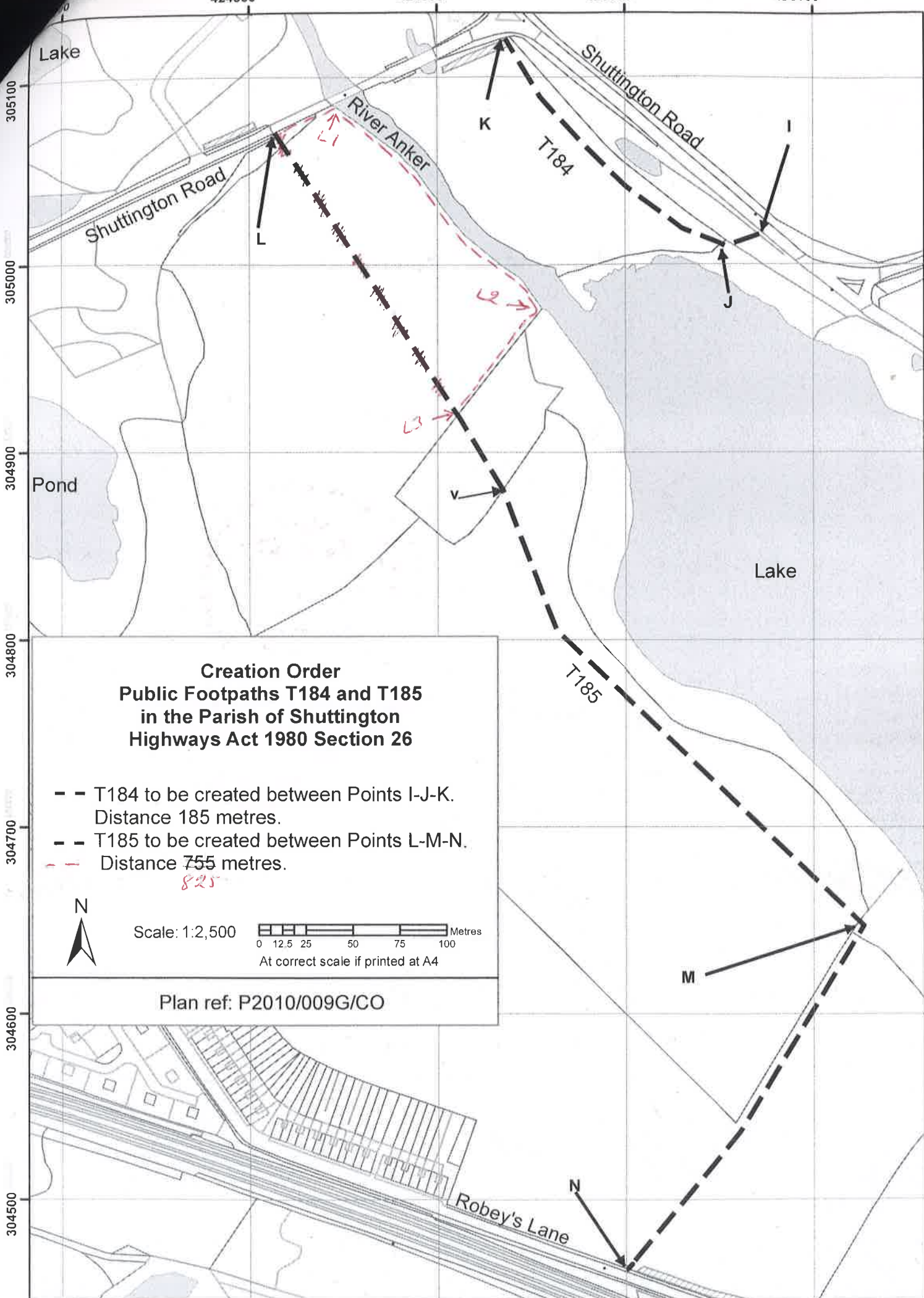
69/13

The foregoing order is hereby confirmed
subject to the red ink modifications thereon

Alan Beckett 27 OCT 2015

An Inspector appointed by The Secretary
of State for Environment, Food and
Rural Affairs

424800 424900 425000 425100



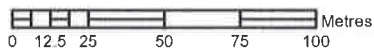
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Distance 185 metres.
- - T185 to be created between Points L-M-N.
Distance 755 metres.

825



Scale: 1:2,500



At correct scale if printed at A4

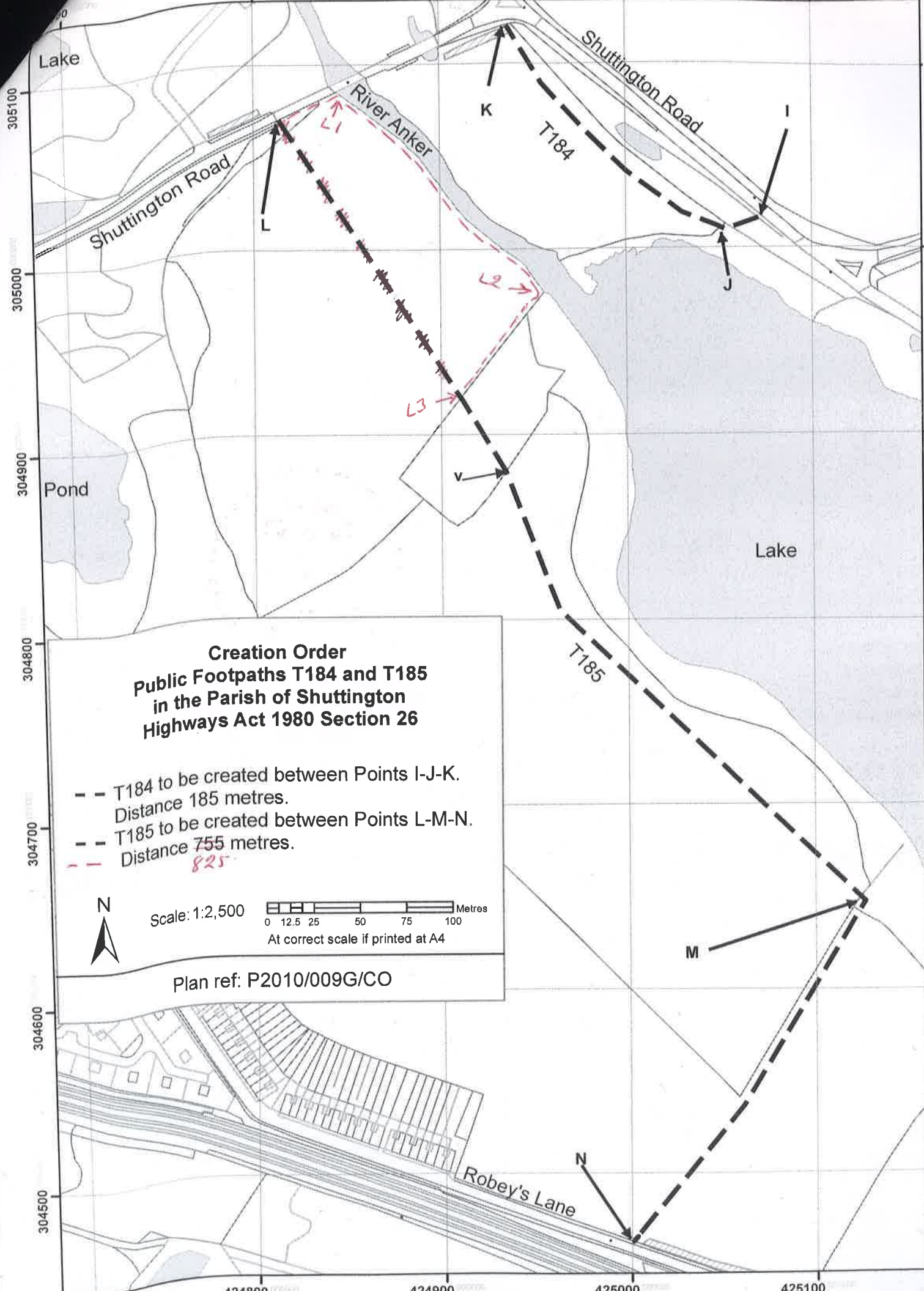
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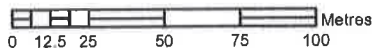
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At correct scale if printed at A4

Plan ref: P2010/009G/CO

Robey's Lane

N

DATED 17 October 2013

HIGHWAYS ACT 1980

WARWICKSHIRE COUNTY COUNCIL

DUPLICATE

THE WARWICKSHIRE COUNTY COUNCIL
(FOOTPATHS T184 AND T185 SHUTTINGTON)
PUBLIC PATH CREATION ORDER 2013