

19/177

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

**TOWN AND PLANNING ACT 1990, SECTION 257  
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A (2)**

**STAFFORDSHIRE COUNTY COUNCIL (PUBLIC FOOTPATH NO. 36(a)  
NEWCASTLE PARISH) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER 2019**

This Order is made by Staffordshire County Council under Section 257 of the Town and Country Planning Act 1990, because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely; to facilitate the housing development off Heathcote Street, Newcastle Under Lyme, Staffordshire.

This Order is also made under Section 53A (2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the Definitive Map and Statement for the Borough of Newcastle Under Lyme 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 hitherto shown or required to be shown in the Map and Statement.

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted, and the Definitive Map and Statement for the Borough of Newcastle Under Lyme shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of Staffordshire County Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which Staffordshire County Council certify that the terms of Article 2 above have been complied with, and upon the occurrence of that diversion the Definitive Map for the Borough of Newcastle Under Lyme shall be modified by deleting from it the path or way referred to in paragraph 1 of this order and the path or way referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in Part 3 of the Schedule.
4. 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 rights in respect of the apparatus as they then had.

## **SCHEDULE**

### **PART I**

#### **DESCRIPTION OF SITE OF EXISTING PATH**

That length of Public Footpath shown on the map as thick solid black line, commencing on the west side of Rosevale Road at a point approximately 8 metres east of the electricity sub-station, point A on the map – NGR383321-349692 and running in a generally west-south westerly direction for approximately 68 metres to its terminus at point B on the map – NGR383259-349666 at the north eastern end of the Vale Street (no longer public highway).

### **PART II**

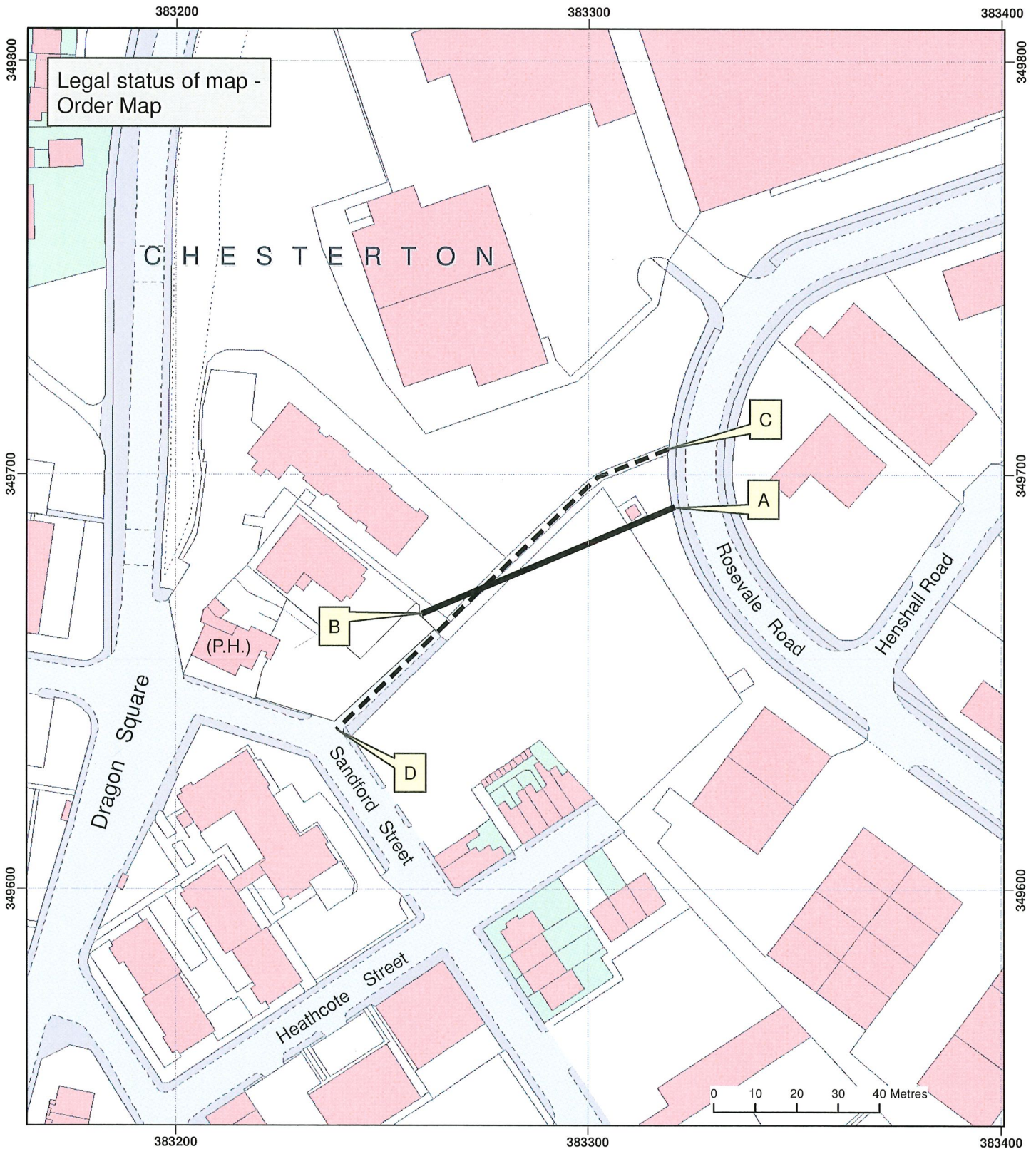
#### **DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY**

A new length of Public Footpath shown on the map as thick black broken line, commencing on the west side of Rosevale Road approximately 70 metres north west of its junction with Henshall Road, point C on the map – NGR383319-349706 and running in a generally west-south westerly direction for approximately 20 metres, then in a generally south westerly direction for approximately 90 metres to its terminus at point D on the map – NGR383239-349638 on the north side of Sandford Street approximately 40 metres east-south east of its junction with Dragon Square.

The new route shall have a prescribed width of 2 metres.



Town and Country Planning Act 1990, Section 257  
Diversion of footpath no.36(a)  
Newcastle Parish.



Legal status of map -  
Order Map

Map created at the scale of 1:1250  
(facsimiles may vary)

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shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
Produced by Staffordshire County Council, 12/12/2018.

- Path to be extinguished (A - B).
- - - Path to be created (D - C).

**PART III**  
**MODIFICATION OF DEFINITIVE STATEMENT**  
**VARIATION OF PARTICULARS OF PATH**

Path No.	Type of Path	Path commences at	Path finishes at	Documents creating or modifying the right of way and other relevant information
36(a)	F.P	<del>North end of Vale Street</del>  West side of Rosevale Road, approx. 70m north west of its junction with Hensall Road	<del>Rosevale Road</del>  North side of Sandford Street, approx. 40m of its junction at Dragon Square	Newcastle under Lyme Corporation Act 1937 S.64 i) Parkhouse/Crackley Reclamation Scheme- Stopping Up & Diversion of roads & footpath to the North of Chesterton 5.6.75  Staffordshire County Council (Public Footpath No. 36(a) Newcastle Parish) Public Path Diversion & Definitive Map & Statement Modification Order 2019

Confirmed as an unopposed Order on the 5 day of April Two thousand and 19.

.....  
 Authorised Signatory

Given under the Common Seal of the Staffordshire County Council on  
 Two Thousand and nineteen

**THE COMMON SEAL of THE  
 STAFFORDSHIRE COUNTY COUNCIL**

Was hereunto affixed in the presence  
 of:-

19/177

*[Handwritten Signature]*

CLAIR  
 RUSKIN-BROWN



Authorised Signatory