



LEICESTERSHIRE LOCAL ACCESS FORUM – MAY 2023

REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT ON PUBLIC RIGHTS OF WAY LEGAL ORDERS AND OTHER ONGOING CASES

Purpose of Report

To update Forum members on the current position with regard to various Public Path and Modification Orders since the last such report in April 2019.

Public Footpath Orders which have been confirmed since the last report

1. There have been 54 public path diversion orders confirmed since the last report in April 2019. A List is attached as Appendix A. Unfortunately, with this number of confirmed orders, it is not practicable to print out all of the respective order plans to attach to this report but if any member of the Forum has a particular interest in one or more of them they are welcome to contact Piers Lindley for more information.

Public Path Order Applications

2. There have been around 60 applications since last reported but some of those have subsequently been confirmed and are listed in Appendix A. The remaining 52 applications are listed at Appendix B. Unfortunately, with this number of applications, it is not practicable to print out all of the respective order plans to attach to this report but if any member of the Forum has a particular interest in one or more of them they are welcome to contact Piers Lindley for more information.

Confirmed Modification Orders

3. There have been thirteen Confirmed Definitive Map Modification Orders made based on historical evidence, user evidence, or a combination of both, since the last report. A list of these is attached as Appendix C.

New Applications for Modification Orders (Evidential)

4. There have been 155 Definitive Map Modification Order applications since the last report. The best way, perhaps, to find out more about these applications is from the online Register of DMMO Applications at:-

<https://www.leicestershire.gov.uk/roads-and-travel/cycling-and-walking/definitive-map-modification-orders>

Referrals to the Planning Inspectorate, Public Hearings & Inquiries

5. The initial decision for the D.M.M.O. relating to Read's Close, Slawston was to only add the missing link leading to existing Footpath B38. The other two sides of this route, it has been proposed by the Inspector, should not be added.
6. The County Council and five other parties objected to this when advertised, and now the case has been referred to the Inspector for him to take on board the new representations and come to a final conclusion. For further information please contact Piers.
7. Recently the Planning Inspectorate has been requested to consider the County Council's decision not to make an Order adding a public footpath through the park at Birstall. It is open to the Inspectorate, if they consider it appropriate, to instruct the County Council to make an order.

Decisions Received

8. Members of the Forum will no doubt be aware of the two Decisions made by inspectors, on behalf of the Secretary of State. In June 2020 an Inspector decided that the closure of Bridleway I20 where it crosses the Midland Mainline at Barrow, should be extinguished, as sought by Network Rail. More recently an Inspector decided that Bridleway D6 should be diverted away from Quenby Hall, Hungarton, in December of last year.

Appendices

- Appendix A – List of Confirmed Public Path Orders
- Appendix B - List of New Applications
- Appendix C - List of Confirmed D.M.M.Os.

Officers To Contact

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A

LIST OF CONFIRMED LEGAL ORDERS SINCE APRIL 2019

APPENDIX A

Order No.	Right of Way	Ord Type	Location	Notes
2512	V121	Creation Agreement	Huncote	New Footpath linking village to Croft Hills Permissive Path
2593	C35	Diversion HA S119	Newton Harcourt	Small diversion of footpath at the Lock Keeper's Cottage
2553	A7	Diversion HA S119	Laughton	Cross field diversion
2535	V119, V120 & V123	Diversion HA S119	Glenfield	Old golf course: correct routes of paths to match constructed routes
2483	D6 & D43	Diversion HA S119	Hungarton	Diversion of Bridleways around Quenby Hall
2628	A121	Deed of Dedication	Church Langton	Dedication of path as part of housing development. New path links to Footpath A79.
2619	Z119 Z120	Deed of Dedication	Fleckney	Deed of Dedication partially replacing D.M.M.O. M1069, in light of planning permission granted.
2614	E74	Diversion HA S119	Sproxton	To remove legal line of footpath from bungalow and re-route around edge of garden.
2561	D59	Diversion HA S119	Twyford & Thorpe	To divert footpath along track and field edge to fit in with new field pattern.
2592	D98G	Diversion TCPA S257	Burton & Dalby	To enable housing development to take place
2586	G69, H14	Diversion HA S119	Broughton and Old Dalby	Broughton and Old Dalby
2574	D34, D101	Diversion HA S119	Keyham	Resolving a long standing obstruction by a barn and stables
2532	B66	Diversion HA S119	Great Easton	Small diversion to enable garden to be enlarged slightly
2469	B4, B5 and B100	Diversion HA S119	Kibworth	Diversions within recreation grounds to match newly tarmacadamed paths
2515	S89	Diversion HA S119	Shackerstone	Failed T&CPA Order replaced by Highways Act Order
2559	D93	Diversion HA S119	Melton Mowbray	Diversion of footpath around outside boundary of farm buildings
2542	B65, B65A and B70	Diversion HA S119	Nevil Holt	Diversion of several paths to take account of changes to landscape including new tree plantations
2634	E17, E18, E25, F4, F3, F2, E1, D106	Side Roads Order HA s12/14	Melton Mowbray	Melton Mowbray Bypass
2601	W86, W87, W88 & W89	Diversion TCPA S257	Bitteswell	Secretary of State order to enable development of Magna Park Extension
2558	X31	Extinguishment HA s118	Misterton	Extinguishment of path through trees running parallel to the A4303 Lutterworth Road
2554	A119 & A120	Deed of Dedication	Market Harborough	Two pathways through Naseby Square re-development. Not operative until paths constructed.
2553	A7	Diversion HA S119	Laughton	Diverting footpath out of farmyard and woodyard.
2551	V84 and V85	Diversion HA S119	Kirby Muxloe	Diversion of footpath over Clan Feld Hills and down bank towards old gold course
2514	J1a	Diversion HA S119	Beeby	In the interests of farmer and to realign path to new bridge
2547	D31	Diversion HA S119	Keyham	Diversion of Bridleway around rear of old Kennels which are being demolished and re-developed
2493	E99 & F1	Diversion HA S119	Waltham on theWolds	Incorporating Div 2494 - TCPIAct Order abandoned as development complete before an Order was made.
2525	A105	Diversion HA S119	Market Harborough	Diversion at road junction of new estate roads to account for revised layout of paths
2490	Z17	Diversion HA S119	Wigston	The Horse & Jockey Inn - To enable construction of timber outdoor drinking area (Retrospective)
2456	C39 & Z77	Diversion HA S119	Kilby	To rationalise problem with footpath going through two houses
2530	D10	Diversion TCPA S257	Houghton on the Hill	To enable development of three town houses on old garage site.
2372	B41	Diversion HA S119	Hallaton	To resolve long standing anomaly over allotments and old chapel.
2297	C30	Diversion S119Z HA	Wistow/Great Glen	To enable Network Rail to close a level crossing and provide a footbridge.
2301	Z12	Diversion S119Z HA	Wigston	To enable Network Rail to close a level crossing and provide a footbridge.
2304	A45 & A48	Diversion S119Z HA	Great Bowden	To enable Network Rail to close a level crossing and provide a footbridge.
2533	I81	Diversion HA S119	Barkby	Diverted to route used on site.
2555	X30	Extinguishment TCPA S247	Lutterworth	Extinguished by Secretary of State to enable aldi to be built at St. John's near the junction 20
2572	O111	Deed of Dedication	Ashby de la Zouch	Deed of Dedication replacing Modification Order claim
2491	W62	Diversion HA S119	Frolesworth	To resolve a long standing anomaly which may date back to 1963.
2519	S89	Diversion HA S119	Shackerstone	There should have been a T&CPA Order. HA Order to rectify matter.
2319	N97	Diversion HA S119	Coalville	To re-align footpath along residential footway and through gap between industrial units.
2540	W53	Diversion HA S119	Broughton Astley	To divert footpath onto constructed footway through new development.
2523	L74	Diversion HA S119	Lockington	To switch the footpath from the south-eastern side of the railway to the north-western side near Junction 24.
2402	W71 & W87	Diversion TCPA S257	Ullesthorpe	To enable permitted development for housing
2481	A54	Diversion TCPA S257	Great Bowden	To enable permitted development for housing
2501	C15	Diversion HA S119	Great Glen	Correcting an error with an earlier Order made in 1958 but also connected with development
2505	E18	Diversion HA S119	Scaford	Diversion also corrects missing link
2492	Y76 & Y77	Diversion HA S119	Peatling Parva	To resolve long standing unofficial diversion.
2495	S16	Diversion TCPA S257	Cadeby	To enable permitted development for housing
2508	T72	Diversion HA S119	Peckleton	Diversion to take footpath out of garden
2444	D5	Diversion HA S119	Cold Newton	Bridleway diversion to avoid house and grounds
2340	I20	Rail Crossing Extinguishment HA S118A	Barrow Upon Soar	Network Rail - closure of Bridleway crossing confirmed by Inspector
2447	G62	Rail Crossing Diversion HA s119A	Asfordby	Diversion of footpath to enable closure of footpath across Network Rail Test track
2504	C92	Diversion HA S119	Tilton on the Hill	Bridleway diversion putting right of way onto adjacent farm track
2437	W53	Diversion TCPA S257	Broughton Astley	To enable development of car showroom.

LIST OF NEW APPLICATIONS SINCE APRIL 2019

APPENDIX B

LegalOrderNo	Right of Way	Ordr Type	Location	Notes
2635	W25	HA S116 Order Magistrates Order	Enderby	Downgrading of stub end of Kirk lane to Footpath
2510	Y90	Diversion HA S119	Gilmorton	Harbororough DC T&CPA Order abonded LCC picking up matter
2630	E14	Diversion HA S119	Melton Mowbray	Proposal to divert path around Ministry of Defence Horse Training areas
2629	D74	Diversion or Extinguishment TCPA S257	Somerby	Development
2537	Y87, Y88 & Y89	Diversion or Extinguishment TCPA S257	Gilmorton	Harbororough DC T&CPA Order abonded LCC picking up matter
2624	X26	Temp. Div. (Minerals) TCPIA S257 + 261	Cotesbach	To enable extension of Shawell Quarry for which planning permission has been granted
2626	S95	Diversion HA S119	Little twycross	Long standing anomaly with path through garden. Longer, field route proposed
2625	J15	Diversion HA S119	Barkby	Proposed diversion to take footpath out of Pheasant Breeding wood
2621	R31	Diversion or Extinguishment TCPA S257	Stanton under Bardon	Development
2620	I23	Diversion or Extinguishment TCPA S257	Barrow Upon soar	Development
2454	A23 & A24	Diversion HA S119	Market Harborough	Original T&CPA Order abonded as development changed Now a Highways Act Order.
2289	X36	Diversion HA S119	Lutterworth	Was originally a planning issue. Now a straight forward diversion away from farm.
2616	H38	Diversion HA S119	Frisby & Kirby Bellars	Proposed diversion around field in order to maximise paddock area
2633	M60	Diversion HA S119	Ashby de la Zouch	Proposed diversion around school playing fields
2613		Diversion or Extinguishment TCPA S257	Lubbesthorpe	Downgrading of vehicular rights. PROW number not yet reserved
2615	G60	Diversion HA S119	Ab Kettleby	Diversion onto route already in use
2617	O22 & O35	Creation Agreement HA S25; Diversion	Bardon	Bardon Quarry
2608	U41	Diversion HA S119	Hinckley	To rationalise path across fields
2607	J9 & J13	Extinguishment TCPA S257	Barkby Thorpe	To enable housing development to take place
2604	G38	Diversion or Extinguishment TCPA S257	Long Clawson	To enable housing development to take place
2605	L73	Diversion or Extinguishment TCPA S257	Lockington & Hemington	To enable development within Lockington Quarry
2603	X27	Temp. Div. (Minerals) TCPIA S257 + 261	Shawell	Further 12 year extension of temporary diversion as per planning permission which gives quarry till 2044 to complete
2598	R9	Diversion HA S119	Stanton under Bardon	For privacy & security
2597	S26	Diversion HA S119	Newbold Verdon	For safety of walkers and animals and for the more effective management of the land.
2594	D53	Diversion HA S119	South Croxton	To make it easier for the public providing access via a swing gate directly of Kings lane and to keep people to the path.
2596	E89A	Diversion HA S119	Waltham	Proposed diversion to boundary to avoid gallops
2466	W44	Diversion HA S119	Broughton Astley	Diversion of footpath out of school playing field and onto tarmacadamed path leading to and past Sports Centre.
2590	G45	Diversion HA S119	Clawson Hose & Harby	Long standing issue here, diversion will take the path well away from an expanding cattle operation.
2589	O107	Diversion HA S119	Ashby de la Zouch	The Town Council may wish to use the field for community activities but the current route would prevent this.
2587	O111	Diversion TCPA S257	Ashby de la Zouch	To enable permitted development at Bath Grounds.
2585	I63a	Diversion HA S119	Ratcliffe on the Wreak	To provide privacy and security for Priory House.
2584	V68	Diversion HA S119	Huncote	To complete the land re-instatement fully as Huncote quarry winds down.
2586	G69 & H14	Diversion HA S119	Broughton & Old Dalby	To sort out an old anomaly where the path has run through a building for about 60 years.
2580	Q92	HA S116 Order Magistrates Order	Ibstock	To downgrade and divert path at Ibstock brick, tile and terocotta works.
2581	Q42	Diversion or Extinguishment TCPA S257	Sweepstone	File not found
2573	X52	Diversion HA S119	Catthorpe	Path should have been diverted to enable bungalow to be built. This order seeks to rectify matters.
2575	P12		Ashby Woulds	File not found
2539	N28	Diversion HA S119	Swannington	For safety and for more effective management of the land.
2570	Y65	Diversion TCPA S257	North Kilworth	To enable housing development to take place
2569	K29	Diversion HA S119	Quorndon	Proposed diversion around farm buildings.
2582	H109	Diversion TCPA S257	Asfordby	Path added by Mod Order now to be diverted.
2567	E9	Diversion TCPA S257	Melton Mowbray	Proposed diversion around large development.
2562	A105	Diversion HA S119	Market Harborough	To divert bridleway onto route previously unofficially diverted by farmer; along new route in development.
2565	V55 & U18	Diversion HA S119	Potters Marston	To divert around farmyard.
2556	V29	Diversion HA S119	Stoney Stanton	To resolve long standing unofficial diversion agreed between the landowner and the Ministry of Transport.
2552	H54	Diversion HA S119	Hoby with Rotherby	To provide a circular route north-east of village and take path out of cross-field route.
2546	O22 & O35	Temp. Div. (Minerals) TCPIA S257 + 261	Bardon	Bardon Quarry
2578 & 2579	U16 & U17	Creation & Extinguishment HA S118	Earl Shilton	Originally applied as Diversion, now concurrent Creation and Extinguishment
2548	B7, B14, B15 & A86	Diversion HA S119	Tur Langton	To avoid Teepee Area and to rationalise long standing anomalies.
2541	D19	Diversion HA S119	Scraptoft	To divert footpath onto constructed footway through new development.
2534	N50	Diversion CPA S257	Stanton under Bardon	To enable permitted development to take place. Huge warehouses.
2529	A16	Diversion HA S119	Gumley	Sought to move path slightly away from farm buildings.

APPENDIX C

LIST OF CONFIRMED DEFINITIVE MAP MODIFICATION ORDERS, SINCE APRIL 2019

ModOrderNo	Right of Way	Historical	User Evid	Location	Notes
M1069	Z119 & Z120	No	Yes	Fleckney	Partially replaced by Deed of Dedication
M689	C66 & C105	Yes	Yes	Skeffington	Rationalisation of various status types to just Restricted Byway
M1399	D17	Yes	No	Thurnby	To correct error relating to an old Billesdon Rural District Council Order
M1261	A49	Yes	No	Market Harborough	To correct error relating to an old Harborough Urban District Council Order
M1134	C109 & C109a	No	Yes	Great Glen	Paths leading to, through and beyond Glen Oaks Wood east of Great Glen
M1158	J4	Yes	No	Barkby Thorpe	An Enclosure Route
M1117	G24	Yes	No	Stathern	Missing Link
M1119	G26	Yes	No	Stathern	Missing Link
M978	V118	No	Yes	Glenfield	From Lane Close to Tournament Road
M1118	E3 & D69	Yes	No	Burton & Old Dalby	Missing Link
M1109	T104	No	Yes	Witherley	The Old post Office, Ratcliffe Culey
M1039	Y108	No	Yes	Dunton Bassett	Across old landfill site south-west of village
M1151	P74a	Yes	No	Oakthorpe & Donisthorpe	To correct error in old DMMO which had missed off this path.
M1027	O107	Yes	Yes	Ashby de la Zouch	Path at Bath Grounds, Ashby