

Meeting: **Leicestershire Local Access Forum**

Date/Time: **Tuesday, 14 May 2019 at 5.30 pm**

Location: **Guthlaxton Committee Room - County Hall**

Contact: **Sue Dann**

Email: **0116 3057122**

Membership

Mr John Howells (Chairman)

Mr. R. Denney (DC Vice Chair)	Mr. B. Sutton
Ms. H. Brown	Mr. S. Warren
Mr. C. Faircliffe	Ms. V. Allen
Mr. M. Gamble	Mr. D. Nichols
Mr. T. Kirby	Mrs. H. Edwards
Mrs. A. Pyper	Mr. S. Fisher
	Mrs. C. M. Radford CC

AGENDA

Item

1. The Chairman's welcome and opening remarks
2. Apologies for absence
3. Minutes of the previous meeting (Pages 3 - 9)
4. Declarations of interest
5. Matters arising not otherwise on the agenda
6. Requests for urgent items to be debated at the Chairman's discretion
7. Bus routes
8. Reports from committees and working groups (Pages 10 - 11)
 - a) Planning and Travel Committee (RD)
 - b) Network Opportunities Committee (CF & RD)

9. Reports from outside bodies (Pages 12 - 14)
- a) Heart of the Forest, Access and Connectivity Forum (VA)
 - b) River Soar and Grand Union Canal Partnership (HE)
 - c) National Forest Access & Recreation Group (RD)
 - d) East Midlands Local Access Forum (EMLAF) Chairs meeting update (JH)
 - e) Charnwood Forest Regional Steering Group (RD)
10. Correspondence
11. Orders update (Pages 15 - 39)
12. Barrow crossing update (Pages 40 - 48)
13. Open Access Sites Survey (HB)
14. Broadnook (RD & VA)
15. QGIS software and Definitive Map
16. Rights of Way Improvement Plan (Pages 49 - 50)
- a) Progress review to old plan
 - b) LLAFF assistance with an update
17. Annual Report
18. Any other items which the Chairperson has decided to take as urgent
19. Date of next meeting

The next meeting of the Leicestershire Local Access Forum will take place 3rd July 2019 (5.00pm for 5.30pm) – FORUM – County Hall (Workshop from 4pm)

Future dates to be confirmed as follows:

- 28th October 2019 (5.00pm for 5.30pm) – Workshop from 4.00
- 6th January 2020 (5.00pm for 5.30pm) – Workshop from 4.00

UNRECORDED WAYS:

- 20th June 2019 (5.00pm to 7.30pm) – Room tbc
- 13th August 2019 (2.30pm to 4.30pm) – Room tbc
- 12th September (7.00pm to 9pm) – Glenfield Parish Rooms
- 26th November 2019 (2.30pm to 4.30pm) – Room tbc



Minutes of a meeting of the Leicestershire Local Access Forum held at County Hall, Glenfield on Tuesday 8th January 2019

PRESENT

Members

Mr John Howells (Chair)
 Mr R. Denney (DC, Vice Chair)
 Ms. V. Allen
 Mr. T. Kirby
 Mr. M. Gamble
 Ms. H Brown
 Mr. C. Faircliffe

Mr. I. Hill (observer)

Officers

Mr. P. Lindley (LCC)
 Mrs. S. Dann (LCC)

1. The Chairman's welcome and opening remarks (1)

Mr. J. Howells advised that, as this was the first meeting of the year, the meeting will begin by electing the Chair and the Vice Chair and asked Mr. P. Lindley to introduce this process once the apologies were given.

2. Apologies for absence

Apologies were received from Mr. E. McWilliam, Mr. A. Pyper, Mr. B. Sutton, Mr. D. Nicholls, Mrs. H. Edwards, Mr. S. Warren and Cllr. C. Radford. Mr. Denney gave an update on Mr. Warren's recovery and everyone passed on their best wishes.

3. An Officer of the Appointing Authority takes Chair for the election of Chairman & Vice Chairman

Mr. Lindley asked if anybody was proposing themselves or others for the role of Chair. Mr. Denney nominated Mr Howells for the role of Chair and Mr. Howells advised that he was happy to continue if members were in support of this. This was seconded by Mrs. Brown and agreed by the Forum. Mr. Denney advised that he was happy to continue as Vice Chair. This was seconded by Mr. Kirby and agreed by members.

Mr. Lindley passed the Chair back to Mr. Howells.

4. The Chairman's welcome and opening remarks (2)

The Chair welcomed everyone to the meeting and wished everyone a happy and healthy New Year. He introduced Mr. I. Hill from Houghton on the Hill Parish Council and asked everyone to make their introductions. Mr Hill stated that he was attending to ask for advice on the rights of way access at the soon to be developed Scraftoft Golf Course.

5. Minutes of the previous meeting

The Chairman went through the minutes and the matters arising from the minutes.

Agenda Item 2 – Apologies

Mr. Denney asked if Mr Simon Fisher had been invited to the meeting. Mr. McWilliam to provide an update to the next meeting.

Mr. Denney asked if there was an update on the rule about non-attendance of the Forum. Mr. McWilliam to provide an update to the next meeting.

There were a couple of minor amendments to the previous minutes and these were then approved as a true record of the meeting.

6. Declarations of interest

The members confirmed that there were no declarations of interest.

7. Matters arising not otherwise on the agenda

None

8. Requests for urgent items to be debated at the Chairman's discretion

The Chair confirmed that he had received a letter from Mr. B. Sutton regarding an issue with dogs on the footpaths on his land. The Chair advised he would discuss this later on in the meeting.

Mr. Faircliffe asked about when the Rights of Way Improvement Plan would be reviewed as this was last looked at in 2016. The Chair advised that this would be discussed later in the meeting.

9. Reports from committees and working groups

(a) Planning and Travel Committee (RD) – Mr. Denney advised that he had nothing further to add to his written report.

(b) Network Opportunities Committee (CF & RD) – Nothing to add to the report, there is a meeting booked for one month's time for the Unrecorded Ways group

10. Reports from outside bodies

- (a) Heart of the Forest, Access and Connectivity Group (VA) – Report to be noted.
- (b) River Soar and Grand Union Canal Partnership (HE) – Report to be noted.
- (c) National Forest Access & Recreational Group (RD) – Ongoing – no meetings have been held in the interim.
- (d) East Midlands Local Access Forum (EMLAF) Chairs Meeting Update (JH) – It was reported that there were no minutes available as yet from John Law. Mrs. Allen was in attendance in the morning. She advised that there was a presentation on HS2 (Nottingham and Derby areas). She reported that there was nothing strategic to report.
- (e) Charnwood Forest Regional Steering Group (RD) – Ongoing – It was reported that this was still in the development stage with only 6 contracts having been given out. Mrs. Allen reported that a meeting had been arranged with Julie Attard, the project leader, together with other local horse riders.

11. Committees for the coming year and their brief

- Planning and Travel Committee – RD agreed to continue as Chair
- Network Opportunities Committee - CF to continue to Chair – its
- Unrecorded Ways sub group would continue with RD acting as secretary and JH as treasurer
- Verges/Commons – VA was asked if she wanted to re-form this committee and she declined advising that Commons can be done under Open Access.

12. Representatives on outside bodies for the coming year

River Soar and Grand Union Canal Partnership – H Edwards to continue
 Heart of the Forest Access and Connectivity Group – VA to continue, JH deputy
 National Forest Access & Recreational Group – RD to continue, VA deputy
 Charnwood Forest Regional Steering Group – RD to continue, JH as deputy

As Chair JH will continue to attend the East Midlands Local Access Forum (EMLAF) Chairs Meetings

The Chair asked if there were any further organisations to add to the list. It was agreed that there were no others as yet.

13. Correspondence

- (a) Woodland Farm Wood – Mrs. Allen advised that it had been reported in the Leicester Mercury that this planning application which we had objected to had been refused.
- (b) Correspondence issued by the Forum was with the meeting papers

14. Orders update

Mr. Lindley advised that there had been no significant events to report since the last meeting. He confirmed that he will provide an update to the next meeting.

Mr. Lindley asked for feedback on the format of these reports. It was agreed that as members had no need to comment on those that had been completed, it was not necessary for him to provide a copy of the order plan for these. He would only provide a summary. For new applications he would continue to provide plans with the summaries.

Mrs. Edwards mentioned a footpath at the rear of the new primary school in Rothley. Mr. Lindley advised that his colleague had received an email from Persimmon Homes and that the developer was looking to sort this out in the next few months.

Mr. Howells asked whether the planning had been approved for the development near the golf course in Seagrave.

Mr. Faircliffe raised the issue with the delay between the decisions being made and being added to the Definitive Map. Mr. Lindley explained that there were software issues that were preventing the online rights of way map being updated properly and that rights of way were “going missing”. As this made the map unreliable he had asked the Web team to take the map down from the website temporarily.

With regard to “past event” modification orders bringing into effect on the Definitive Map legal changes to the network a back log had developed, owing to a change of staff in the legal Services Team and the new member of staff being taken off rights of way temporarily to do other things. Mr. Lindley advised that he is going to see if he can have this back log of “past event” orders resolved.

It was suggested that members have a snapshot of the Definitive Map provided on a dvd. Mr. Lindley suggested that members could explore the use of the QGIS software. The Forum requested that Mr. McWilliam provide an update to the next meeting. It was agreed that this would be added to the next agenda with possible timescales.

Mrs. Allen asked Mr. Lindley about the number of routes where Town & Country Planning Act diversions had been agreed but then the decision paperwork has not been finalised and seem to be forgotten. A similar thing seems to occur with Section 106 agreements. Mr Lindley advised that officers do attempt to keep track of these but some developments may take several years to complete. The Chair advised that this will be added to the agenda for the next meeting.

15. Annual Report update

A discussion was held about the updates received for the Annual Report. It was agreed that the information received will now be used for the final version.

16. HS2 update

The information in the pack was noted. It was advised that the consultation period ended on 21st December 2018 so now awaiting a response from HS2.

Mrs. Allen advised that she had made a separate submission on equestrian issues and informed the group that she had almost created a parallel bridleway.

The Chair advised that once the comments have been received from HS2, these will be discussed at a future meeting.

17. Country Parks Management Plans

This was deferred to the following meeting.

18. Area Surveys

Mr. Denney introduced this item and referred to the list and the template that was sent with the papers.

Mr. Denney informed members that it was 5 years since the 10 year review had been done. He requested that members get involved with the review. He advised that it would take about 2/3 hours per review and suggested that the aim would be to do one per month.

Mr. Denney said that he and Mrs. Brown will be arranging to review the programme and order of reviews and let members know the dates.

Mr. Denny enquired as to who is responsible for common land and village greens. Mr. Lindley suggested that the Parish Council have responsibility for enforcement, while the County Council holds the register and also has certain powers of enforcement. Mr. Lindley advised that the Register of common land and village greens is kept and updated by Legal Services. Mr. Lindley will enquire further and report back to the next meeting.

Mrs. Allen advised that she would be doing the review on Burton to Six Hills.

19. Barrow Crossing public enquiry (hearing 4th June)

Members noted that the enquiry was scheduled for 4th – 6th June 2019 at County Hall. It was advised that the County Council were taking a neutral stance on this.

20. Any other items which the Chairperson has decided to take as urgent

Mr. Faircliffe enquired as to whether the Rights of Way Improvement Plan is due to be reviewed. He went on to say that this was due in 2016 and he raised concern that there was no positive actions. Mrs. Allen asked for a copy of the last plan. The Chair asked that Mr. McWilliam provide a draft improvement plan to a future meeting for LLA members to make comments. Mr. Denney said that he would like to see what progress had been made on the ambitions of the last plan. Mr. Lindley advised Members to remember that there are now reduced resources so commitments and targets made in the previous update might have to be reviewed in light of this.

Mrs. Allen requested more guidance on planning matters within the Rights of Way Improvement Plan. Mr. Denney stated that we are not a Planning Authority, and that unless there is an overview the Planning Authority are not able to agree, it is easier if you have got a reference point. Mr. Lindley stated that the County Council's comments on developments are more specifically covered by its Guidance Notes for developers.

Mr. Faircliffe suggested that if the answer is that nothing can be done due to resources, can members have this in writing. He agreed that the last plan was very good but it does need a review. Mr. Lindley agreed to pass on the comments to Mr. McWilliam for him to update members at the next meeting.

The Chair advised that Mr. Sutton, in his absence, had sent in some information on an issue that he wanted discussing at this meeting. The information had been given out and noted.

Mr. Faircliffe advised that he had done some research on this and, although he was sympathetic, Mr. Sutton should do some research himself. He did say though that there is legislation for owners that haven't got their dogs under control. If a dog is off the lead and on other people's land this is classed as trespass. If a dog is chasing sheep/livestock the landowner can be on watch with a gun but that would be a civil matter between the landowner and the dog owner. Mr. Lindley advised that there had been a case where a landowner had taken out an injunction against a dog owner and was successful.

Mr. Gamble advised that Mr. Sutton needs to use his phone and video the dog and its owner and then he would have evidence.

21. Any Other Business

The Chair went round and asked members for any other business.

Mr. Gamble advised that he was working on the filing system for the Unrecorded Ways. He asked whether the Unrecorded Ways meetings could be in the evening but he advised that he will try and attend the next meeting on 6th February.

The Chair asked Mr. I. Hill to introduce his item. Mr. Hill advised that there are plans to move Scraftoft Golf Course in the Harborough Local Plan. This will cover $\frac{3}{4}$ square mile and there are lots of access paths that are regularly used by Ian and others. Mr. Hill asked members for suggestions on what to do to try and save some of the access paths.

Mr. Denney advised that Mr. Hill might need to separate complete for each path used and that each person who is claiming use would need to fill a separate user evidence form (this is much better than a petition or a list of users). He should encourage as many people as possible. It was suggested to do a proforma plan although Mrs. Allen suggested caution as she had used some pre-completed plans dismissed previously. Mr. Lindley advised that he will email Mr. Hill the application forms as the County Council have their own version. Mr. Lindley agreed that an agreement between the developers and the Parish would be preferable going forward.

22. Date of the next meeting

The next meeting will take place on 14th May 2019 (5.00pm for 5.30pm) – Forum County Hall (Workshop from 4.00pm)

Future dates are confirmed as follows:

- 3rd July 2019 – FORUM
- 28th October 2019 – FORUM
- 6th January 2020 - FORUM

The meetings of the Unrecorded Ways Group are as follows:

- 6th February 2019 (2.30pm to 4.30pm) – Framland
- 14th March 2019 (2.30pm to 4.30pm) – Room tbc
- 10th April 2019 (2.30pm to 4.30pm or 5.30 to 7.30pm) – Room tbc
- 20th June 2019 (2.30pm to 4.30pm) – Room tbc
- 13th August 2019 (2.30pm to 4.30pm or 5.30 to 7.30pm) – Room tbc
- 26th November 2019 (2.30pm to 4.30pm or 5.30 to 7.30pm) – Room tbc

PLANNING AND TRAVEL COMMITTEE REPORT

We will have representatives at the hearing about the Barrow crossing early June and our Chairman will be speaking to our case.

We have submitted two in depth opinions including legal observations which will speak for themselves but he will add the personal knowledge as a local resident. (The submissions are attached to this report).

Otherwise this has been a quiet period.

Chairman - Roy Denney

NETWORK OPPORTUNITIES / UNRECORDED WAYS

The Ramblers, the Open Spaces Society and the British Horse Society have recently written to the Secretary of State, Michael Gove, setting out our position that the 2026 cut-off date should be postponed (in England) setting out reasons why including the delay of the Deregulation Act (which is designed to improve the process for claiming historic rights of way) and the lack of time now to review and improve processes associated with the Deregulation Act.

Also mentioned was the lack of local authority resources, especially considering they are processing claims under the unreformed system.

There was a debate in the House of Lords on this subject following a question raised by Lord Greaves and most of the peers who spoke supported postponement and the hard work of volunteers was particularly recognised.

We have been trying now largely reconstructed the files previously managed by Stan Warren and have decoded his markings. The URW sub group has met twice deciding priorities amongst the identified unrecorded and therefore unprotected routes. There are still about 60 of these from which volunteers can pick things of interest or convenient locality.

We have also had another training session at the records office and now have 15 volunteers working in cases to varying extents. We are now to suggest where they can best employ their efforts/ I have now visited most of the volunteers in small groups and this is more fruitful than trying to get them all to one meeting although we have scheduled a full meeting in September.

We have had one of our meetings in the afternoon and the other early evening to allow those working to participate.

It is felt that the buddy system works well as some are more experienced than others and some wanted to study the record where others wanted to walk searching for physical evidence.

It seems that people are happier tackling bite sized chunks of work rather than seeing a claim through, and as such it will be down to me or others of the core team to actually lodge claims. This month we have lodged the claim for Barrow/Cotes and another at Islay Walton.

MG has been working on the master index and we can now share the up to date version with volunteers. I have also pulled together all the other files, eliminating duplications and old versions and can also let volunteers have these sources of information.

The Ramblers nationally have been working with the BHS on a national data base which is still evolving When the end results are in we expect to transfer our data onto this at least for active cases but for the time being we are maintaining our own.

There is nothing else to report on Network Opportunities at this stage.

Roy Denney

RIVER SOAR AND GRAND UNION CANAL PARTNERSHIP

Chaired by the City Mayor, the River Soar and Grand Union Canal Partnership is made up of representatives from: Public Authorities, Statutory Bodies and Charitable & voluntary organisations.

The partnership meets regularly to consider how, by working together, it can promote the long term regeneration and sustainability of the waterway corridor.

The Partnership published a three year plan in June 2016 which has now been completed. I have not heard of any future meetings and am unclear whether or not the project is now ended.

Helena Edwards, River Soar and Grand Union Canal Partnership Representative

NATIONAL FOREST ACCESS & RECREATION GROUP

A lot of their endeavours continue to be the Charnwood Forest project and there has been no recent meeting to report on.

Roy Denney, National Forest Representative

CHARNWOOD FOREST REGIONAL PARK

I continue to serve as a member of the board of the regional park. I am also on the steering group of the Local Nature Partnership project looking to protect, promote and enhance the park.

There have been a series of workshops with the new independent chairman Atul Patel as we rapidly approach the point of pulling everything together to submit in September.

There has also been a meeting of the stakeholders to keep all interested parties up to date.

We have provided the team with a map of the park marked up with desirable links for the rights of way network to be targeted as part of the ;'better access' element of the project.

Charnwood Forest is geologically the oldest part of the National Forest and was being seriously considered to be a National Park until somebody cut it in two by building the M1. As such it has little legal protection other than the several sites of special scientific interest (SSSIs)

Charnwood Forest Regional Park has no legal status but is a partnership of all the local authorities involved, the National Forest Company and other interested parties including the Access Forum

The only other thing to report is the second edition of the map of the park is now in the shops.

Roy Denney, Representative



LEICESTERSHIRE LOCAL ACCESS FORUM – April 2019

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 October 2018.

Public Footpath Orders which have been confirmed since the last report

1. A list describing the Public Path Orders which have been confirmed since the last report in October 2018 is attached as Appendix 1 together with associated plans attached as Appendices 2-5.

Public Path Order Applications

2. A list describing the Public Path Orders which have been applied for since the last report is attached as Appendix 6 together with associated plans attached as Appendices 7-18.

Confirmed Modification Orders

3. A list describing the Definitive Map Modification Orders which have been confirmed since the last report is attached as Appendix 19 together with associated plans attached as Appendices 20-21.

New Applications for Modification Orders (Evidential)

4. A list describing the Definitive Map Modification Orders which have been applied for since the last report is attached as Appendix 22 together with associated plans attached as Appendix 23.

Referrals to the Planning Inspectorate, Public Hearings & Inquiries

5. The Public Inquiry for The I20 Barrow Crossing Extinguishment Order is to be held on Tuesday June 4th. It will start at 10am and will be held in the Guthlaxton Committee Room at County Hall.

Decisions Received

6. There have been no new Planning Inspectorate decisions since the last report.

Appendices

- Appendix 1 – List of Confirmed Public Path Orders
- Appendix 2 – Plan No 2467
- Appendix 3 – Harborough DC Order Plan for Footpath U80
- Appendix 4 – Plan No 2478
- Appendix 5 – Plan No 2385
- Appendix 6 – List of New Applications for Public Path Orders Appendix 7 –
- Appendix 7 – Plan No 2374/HA/02
- Appendix 8 – Plan No 2458-3
- Appendix 9 – Plan No 2515
- Appendix 10 – Developer's Plan for diversion of Footpath P11
- Appendix 11 – Plan No 2517
- Appendix 12 – Plan No 2518
- Appendix 13 – Plan No 2519 P
- Appendix 14 – Plan No 2520-P
- Appendix 15 – Developer's Plan for diversion of footpath N59
- Appendix 16 – Plan No 2523
- Appendix 17 – Plan No (Appendix 17)
- Appendix 18 – Application Plan (Appendix 18)
- Appendix 19 – List of Confirmed Modification Orders
- Appendix 20 – Plan No M1084
- Appendix 21 – Plan No M1123
- Appendix 22 – New Modification Order Applications
- Appendix 23 – Applicant's Plan (Appendix 23)

Officers To Contact

Edwin McWilliam, Access Manager
 Piers Lindley, Senior Access Development Officer
 E-mail: footpaths@leics.gov.uk

A

Legal Orders Confirmed Since October 2018

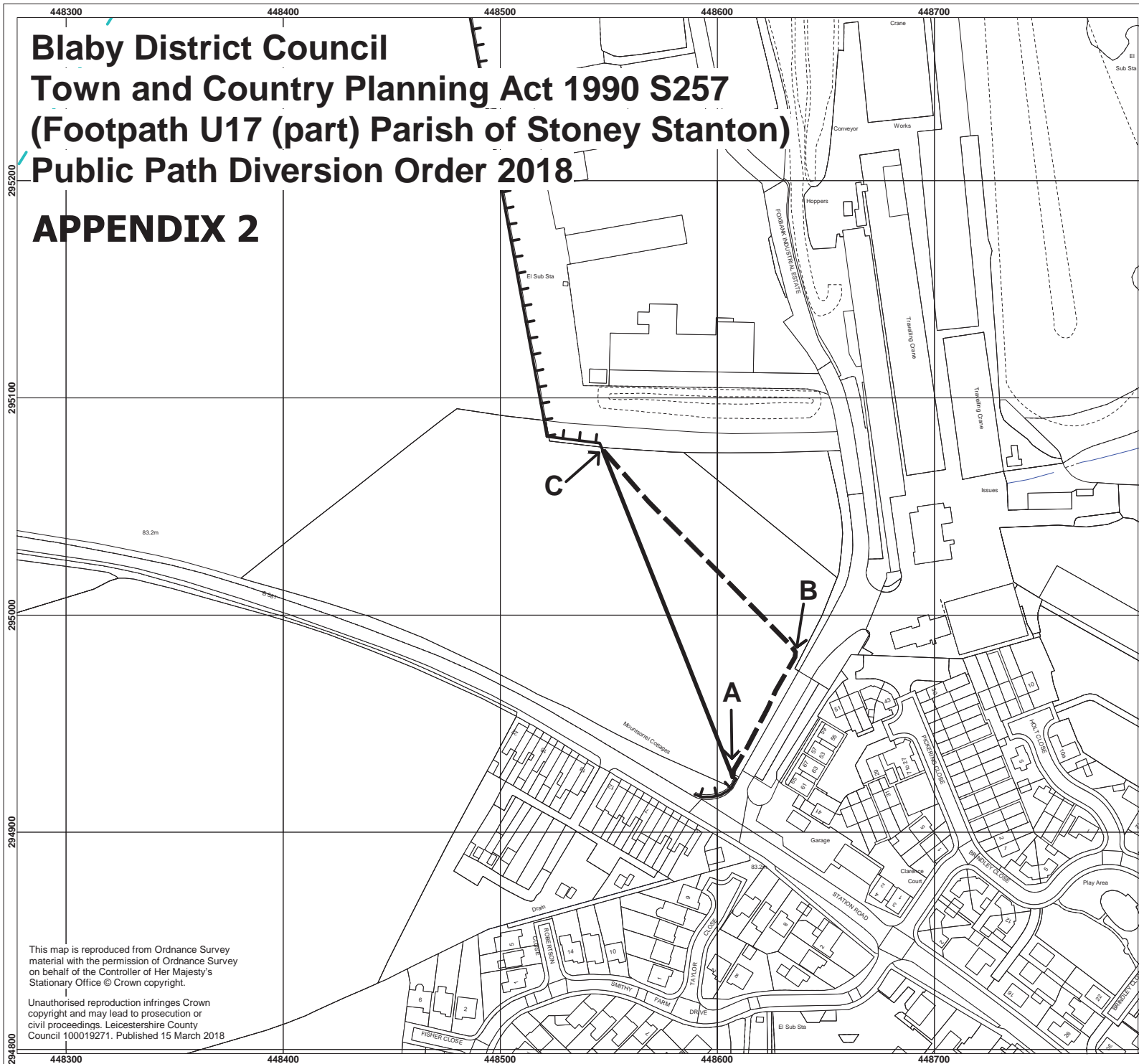
APPENDIX 1

Order No.	Order Making Authority	Paths	Settlement	Notes	Appendix
2467	Blaby District Council	Footpath U17	Stoney Stanton	Town & Country Planning Act Order to enable housing development to take place.	2
2478	Leicestershire County Council	Footpath A86	Church Langton	Highways Act Order to allow landowner to develop landscaped nature area.	3
2498	Blaby District Council	Footpath U80	Sharnford	Town & Country Planning Act Order to enable housing development to take place.	4
2385	Leicestershire County Council	Footpaths W67 & W68	Leire	Highways Act Order to allow landowners to better manage their land	5

Blaby District Council Town and Country Planning Act 1990 S257 (Footpath U17 (part) Parish of Stoney Stanton)

Public Path Diversion Order 2018




APPENDIX 2



Location Plan



Key

-  Footpath to be diverted
-  Replacement Footpath
-  Unaffected Footpaths

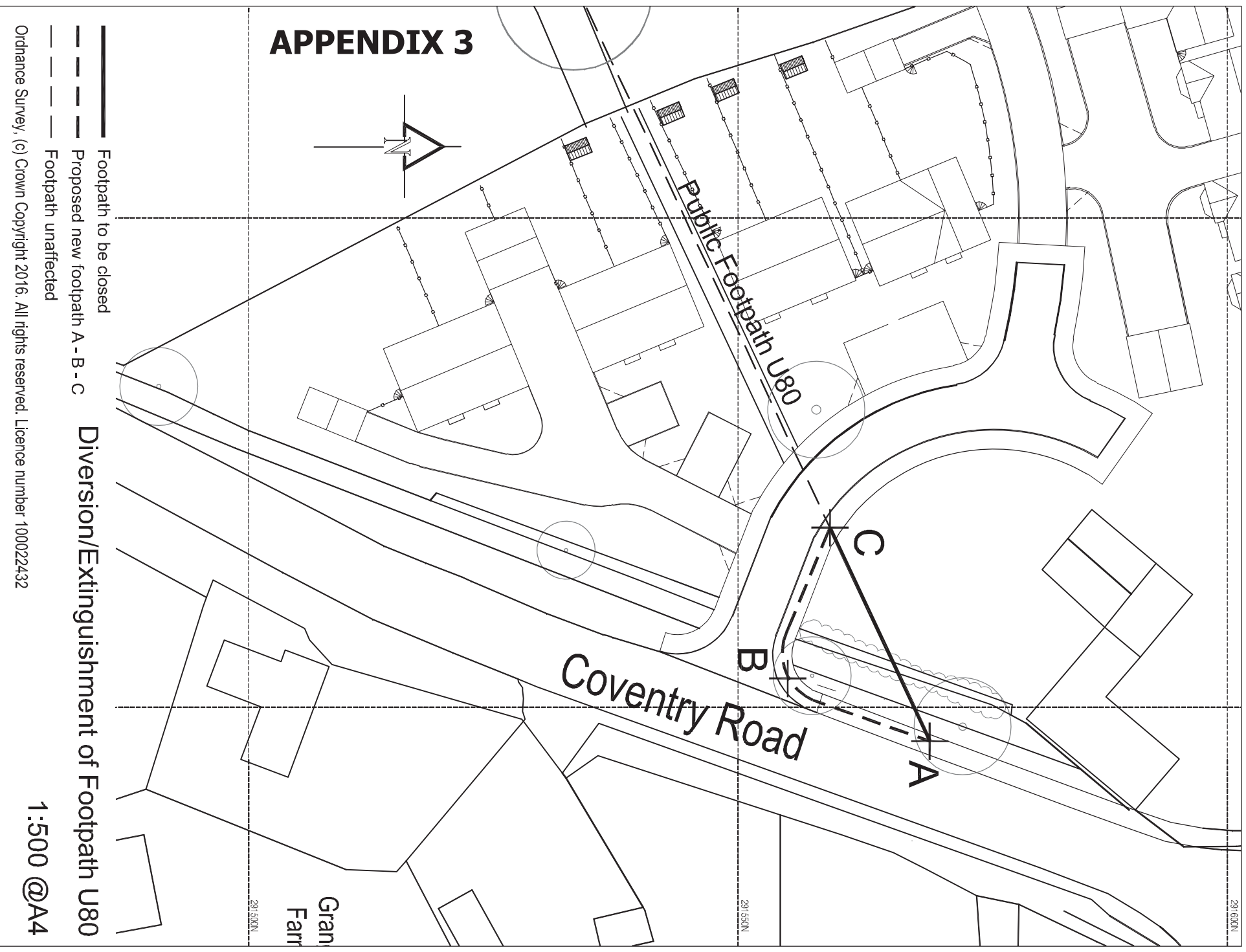
Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



**Leicestershire
County Council**

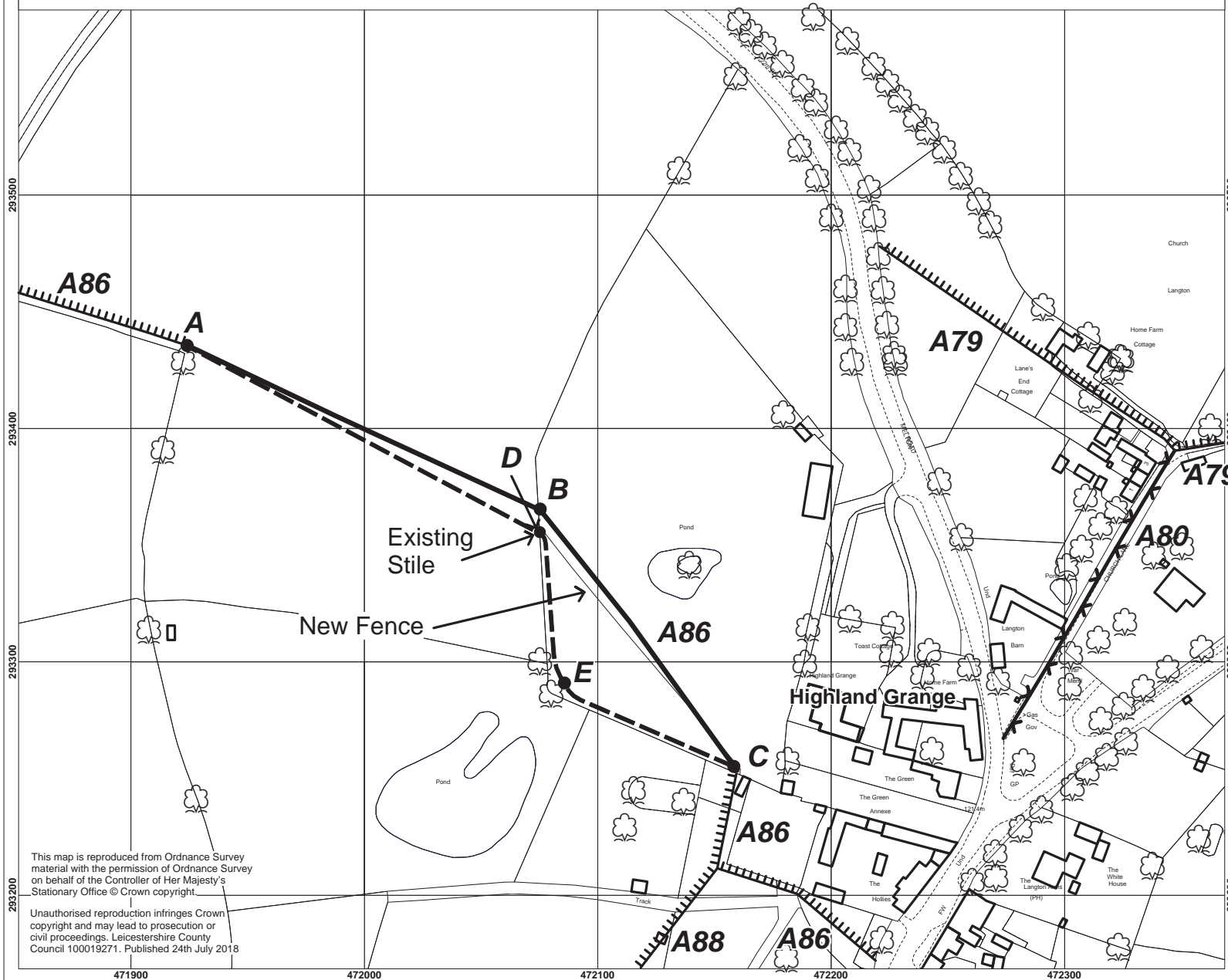
Plan No.2467

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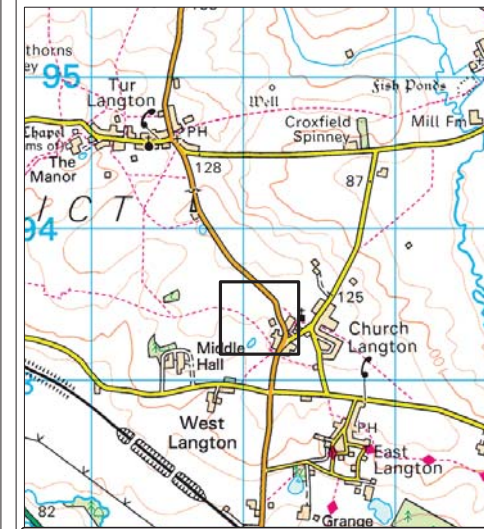


Leicestershire County Council (Public Footpath A86 (Part) at Highland Grange, Church Langton, West Langton Parish) Public Path Diversion Order 2018

APPENDIX 4



Location Plan



Key

- Footpath to be diverted A-B-C
- Alternative new footpath A-D-E-C
- Footpaths unaffected
- Byway open to all traffic

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director, Ann Carruthers



**Leicestershire
County Council**

Plan No. 2478

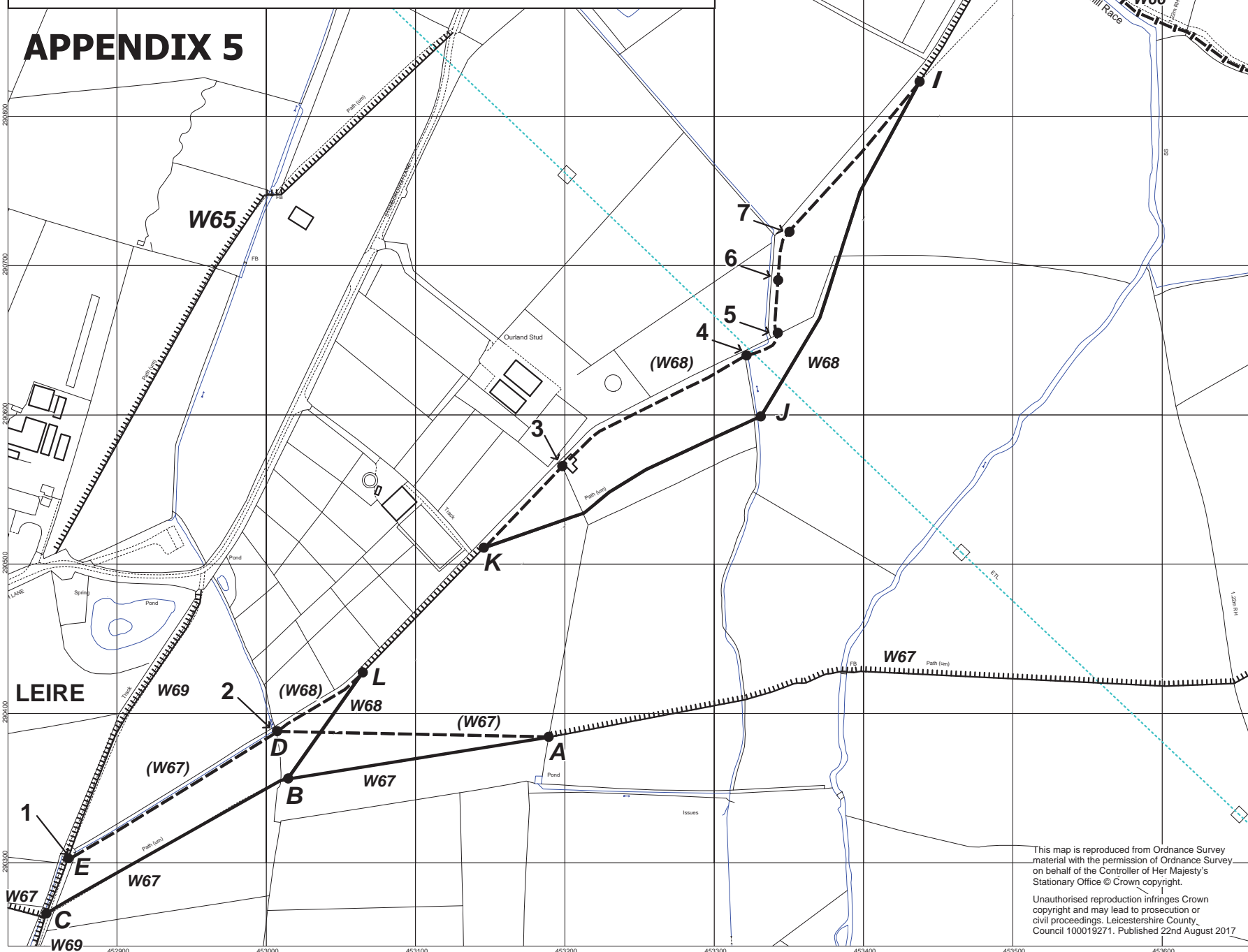
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Leicestershire County Council - Proposed Diversion of (Public Footpaths W67 (Part) and W68 (Parts) Parish of Leire) Public Path Diversion Order 2017

APPENDIX 5



Location Plan



Key

- Footpaths to be diverted
A-B-C, F-G, I-J-K & L-B
- Alternative new footpaths
A-D-E, H-G, I-K & L-B
- Footpaths unaffected
- Bridleways

Works

1. Install handgate and waymark post
2. Create gap in hedge, install hand gate provide ditch crossing and install waymark post.
3. Cut gap in hedge, install hand gate, install waymark post and remove shed
4. Install waymark post by existing gateway
5. Clear gap through hedge and install hand gate
6. Scrub clearance
7. Install waymark post
8. Install waymark post

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Phil Crossland, Director



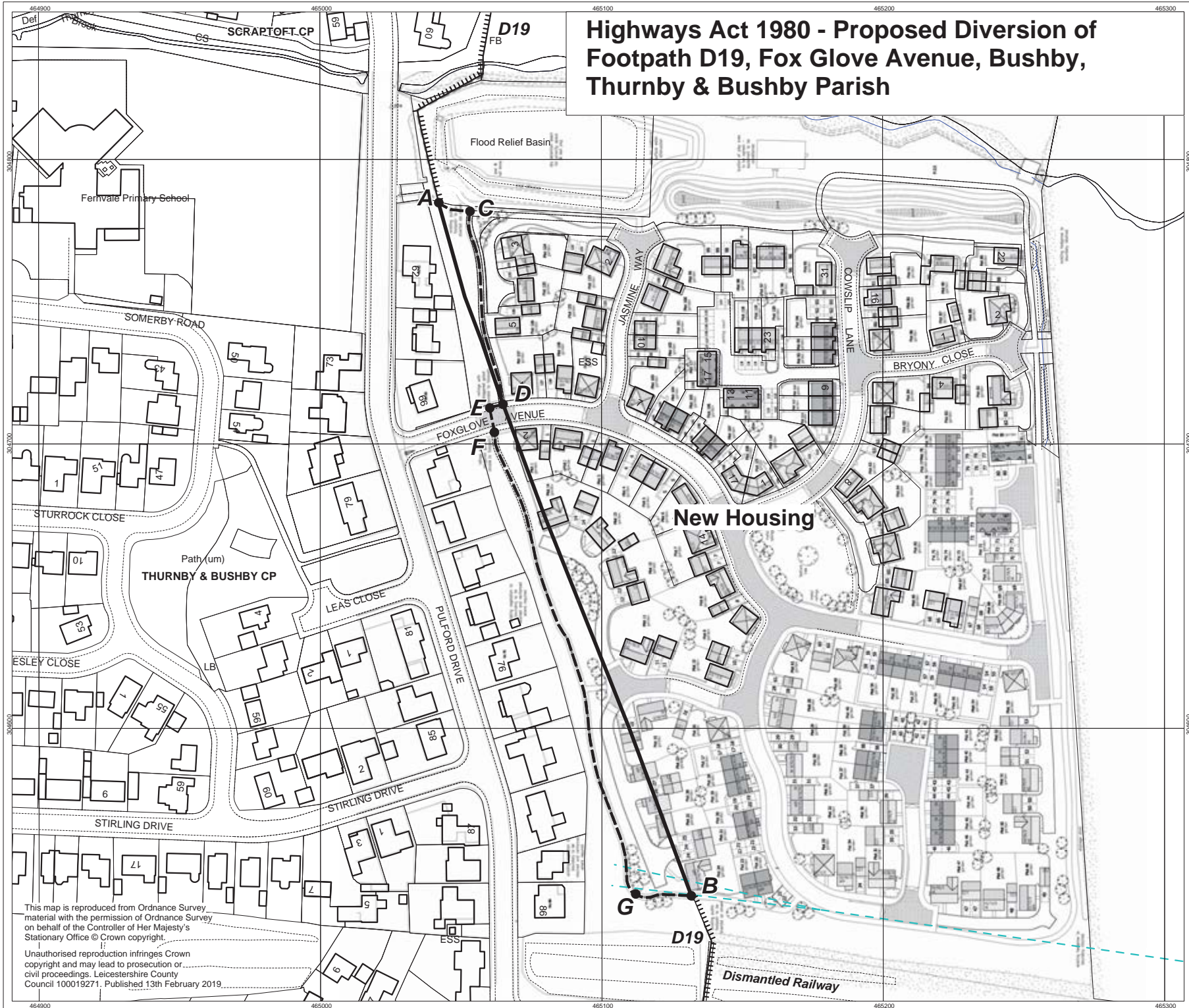
Plan No. 2385

Scale 1:2500

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Order No.	Order Making Authority	Paths	Settlement	Notes	Appendix
2374	Leicestershire County Council	Footpath D19	Bushby	Originally a Town & Country Planning Act Order which failed to be confirmed by the secretary of State as the development was substantially complete, Jelson Limited have now applied for the diversion under the provisions of the Highways Act.	7
2458	Leicestershire County Council	Footpath Y95	Gilmorton	As the developer has not constructed the new public footpath in quite the right place, he has had to apply for a revised diversion.	8
2515	Leicestershire County Council	Footpath N69	Ibstock	This diversion is sought by the Forestry Commission, in relation to the extension of the Sence Valley country Park and the desire to divert the footpath to follow a new woodland corridor.	9
2516	North West Leicestershire District Council	Footpath P11	Blackfordby	A public path diversion sought to enable a housing development to proceed.	10
2517	Leicestershire County Council	Footpath P21	Ashby de la Zouch	This is an application to divert a footpath in order to improve site security for Willesley Scout site and Willesley Park Golf Club. It will however take the new path past Willesley Lake.	11
2518	Leicestershire County Council	Footpath I56	Syston	Pukka Pies Ltd. Have applied for part of Footpath I56 at their Syston site to be extinguished on safety grounds, the company's concern being increased risk of accidents involving HGVs, forklifts and members of the public.	12
2519	Leicestershire County Council	Footpath S89	Shackerstone	Although Planning Permission was granted for this development in Shackerstone, no application was made to the district council for an Order to divert the affected footpath. The developers have now applied to the county council for a Highways Act order to rectify the situation.	13
2520	Leicestershire County Council	Footpath Y52	Gilmorton	A diversion is sought to re-align the public footpath on a new tarmac/adam'd pathway associated with a new housing development. This application has been made under the Highways Act rather than the Town & Country Planning Act as it was considered to not be strictly necessary to enable development to take place.	14
2521	North West Leicestershire District Council	Footpath N59	Coalville	Carbide Properties Ltd have applied for this diversion under the provisions of the Town & Country Planning Act to enable the development of a commercial/employment unit.	15
2523	Leicestershire County Council	Footpath L74	Lockington & Hemington	Network Rail have applied for a diversion of Footpath L74 in connection with the development of the new East Midlands Gateway.	16
2524	North West Leicestershire District Council	Footpaths P71 and P73	Oakthorpe & Donisthorpe	A public path diversion sought to enable a housing development to proceed.	17
2527	Leicestershire County Council	Footpath Y95	Gilmorton	An application to divert the footpath away from a house around three sides of the adjacent paddock. (A more detailed proposal plan is being sought from the applicant)	18



Highways Act 1980 - Proposed Diversion of Footpath D19, Fox Glove Avenue, Bushby, Thurnby & Bushby Parish

Location Plan



Key

- Footpath to be diverted A-B
- - - Alternative new footpath A-C-D-E-F-G-B
- ||||| Footpaths unaffected

APPENDIX 7

Applicant: Jelson Limited

Environment & Transport Department,
Leicestershire County Council,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Ann Carruthers, Director.

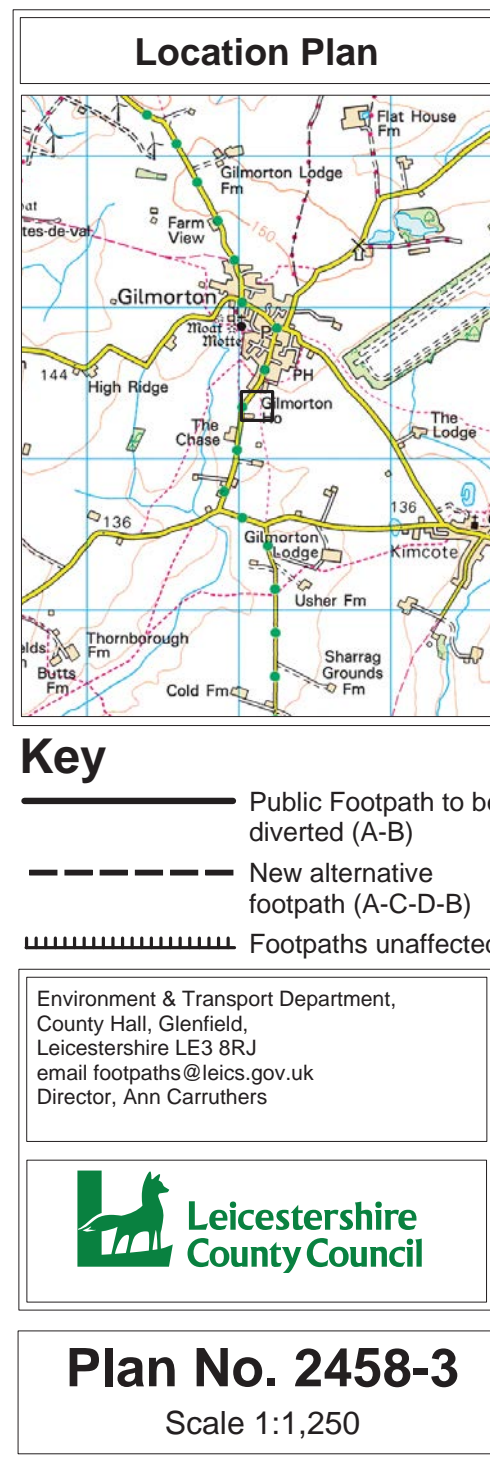
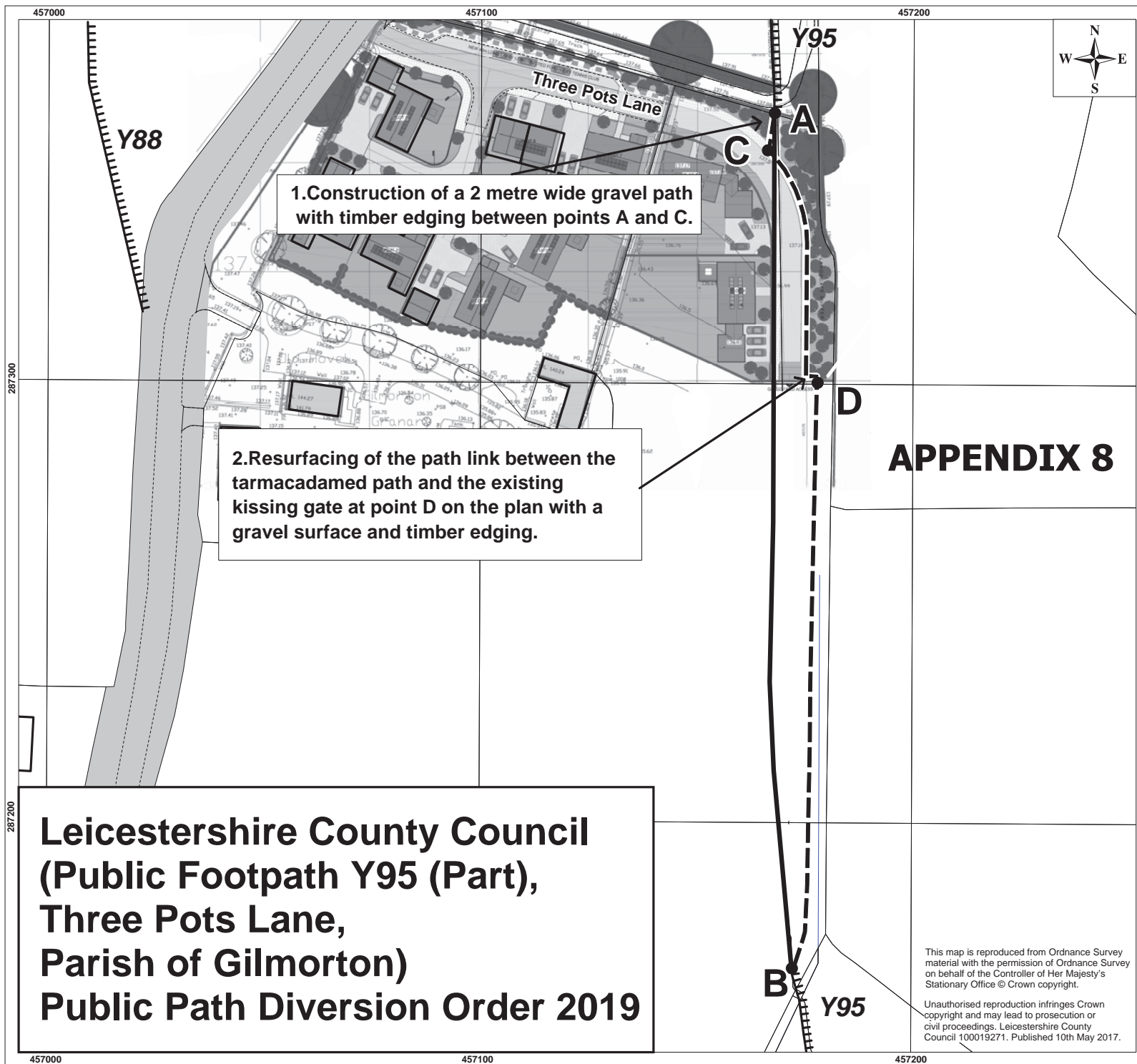


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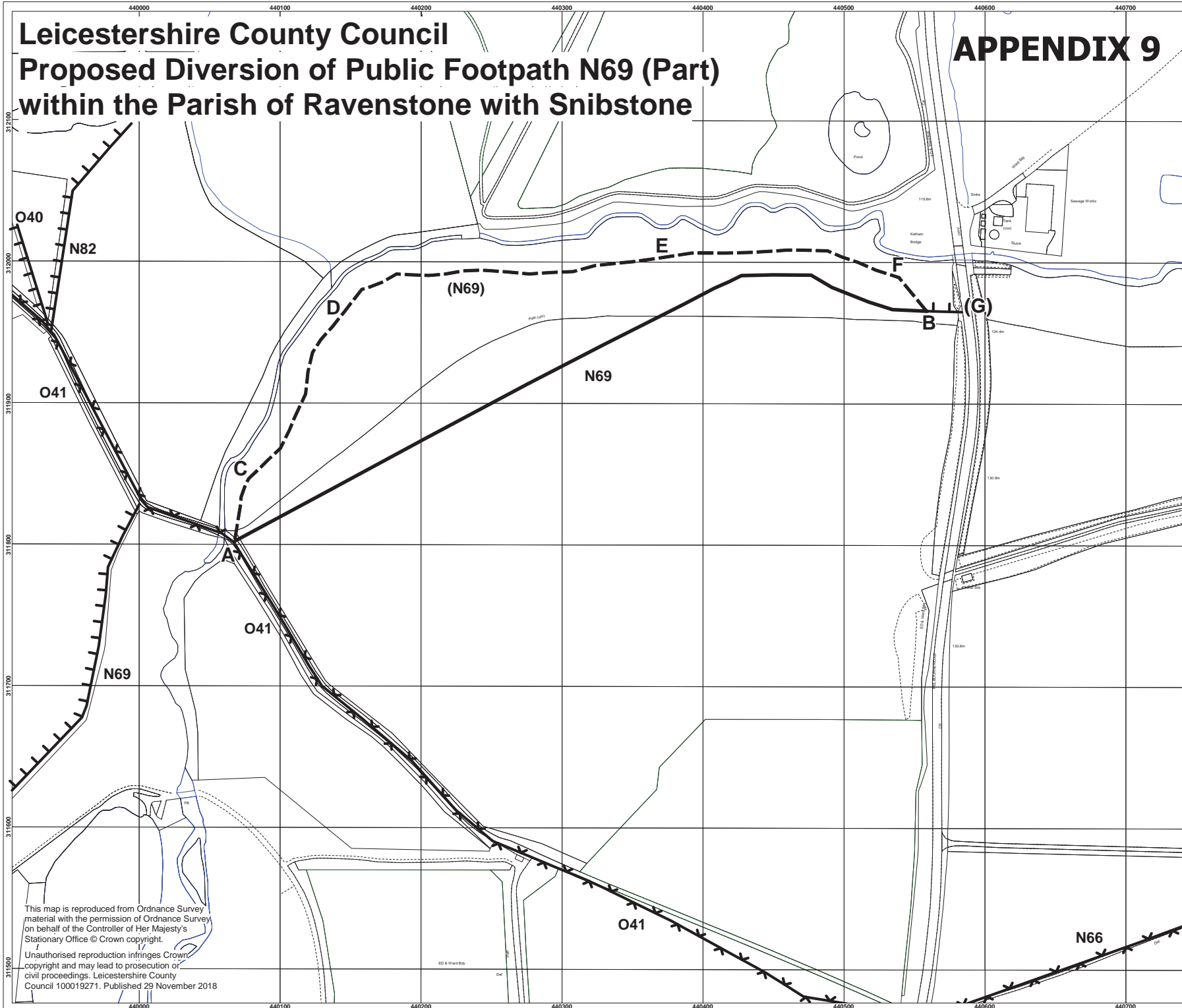
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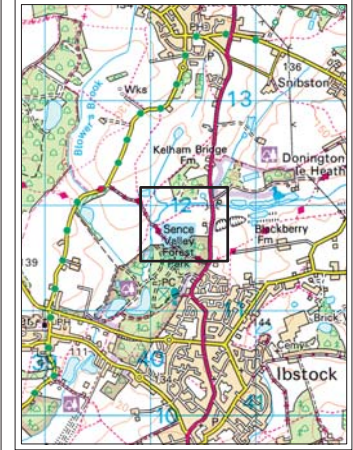
Leicestershire County Council

Proposed Diversion of Public Footpath N69 (Part) within the Parish of Ravenstone with Snibstone

APPENDIX 9



Location Plan



Key

- Public Footpath
Proposed to be Diverted (A-B)
- Proposed Alternative
Public Footpath
(A-C-D-E-F)
- Unaffected Public
Footpaths
- Unaffected Public
Byways

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26

Leicestershire County Council Proposed Diversion of Public Footpath P21 (Part) within the Parish of Ashby de la Zouch

Location Plan



Key

Public Footpath Proposed
to be Diverted (A-B-C-D-E)
and (G-H-I)

Alternative Public Footpath
(A-F-E) and (G-J-K-L-M-N-I)

Unaffected Public Footpaths

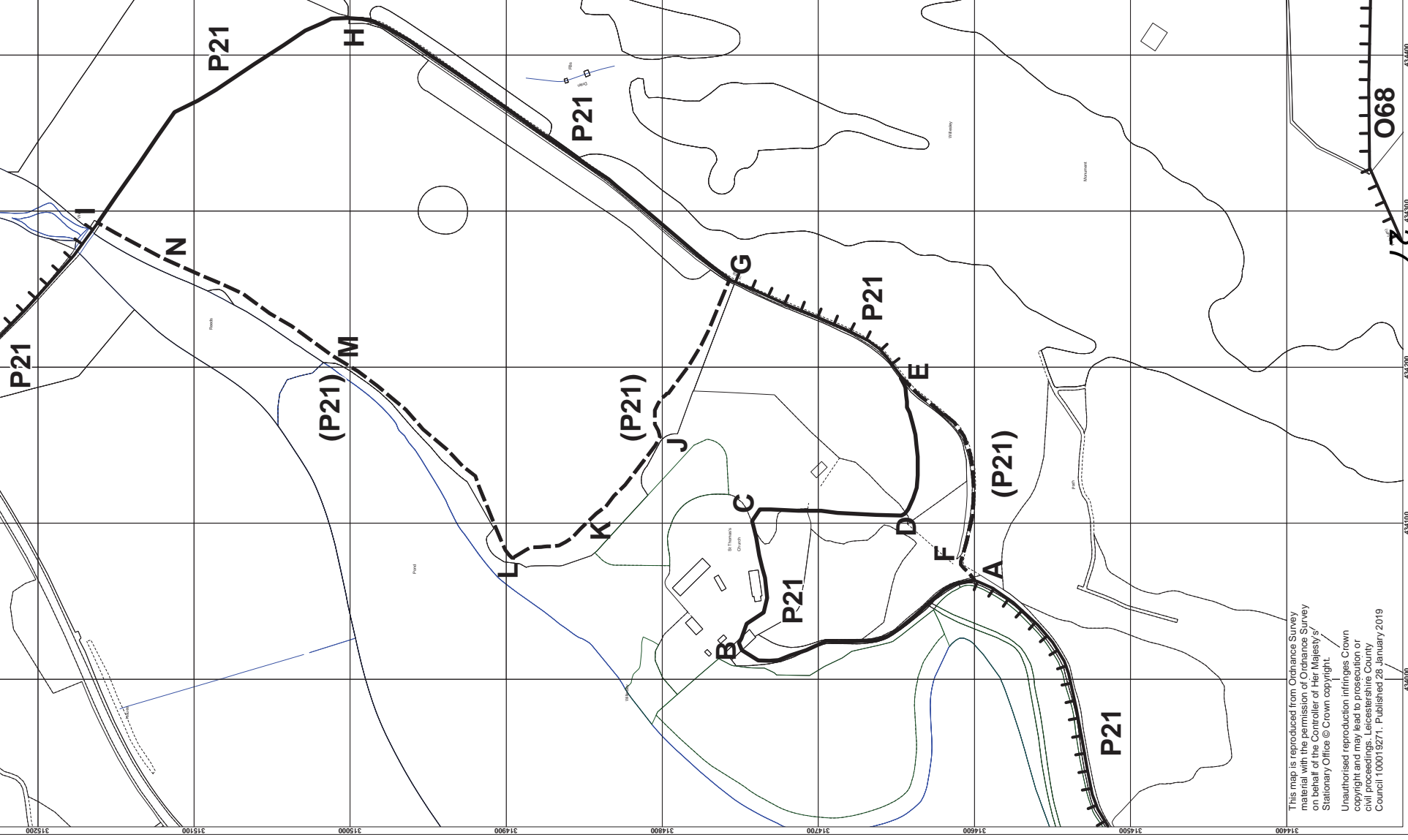
APPENDIX 11

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Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



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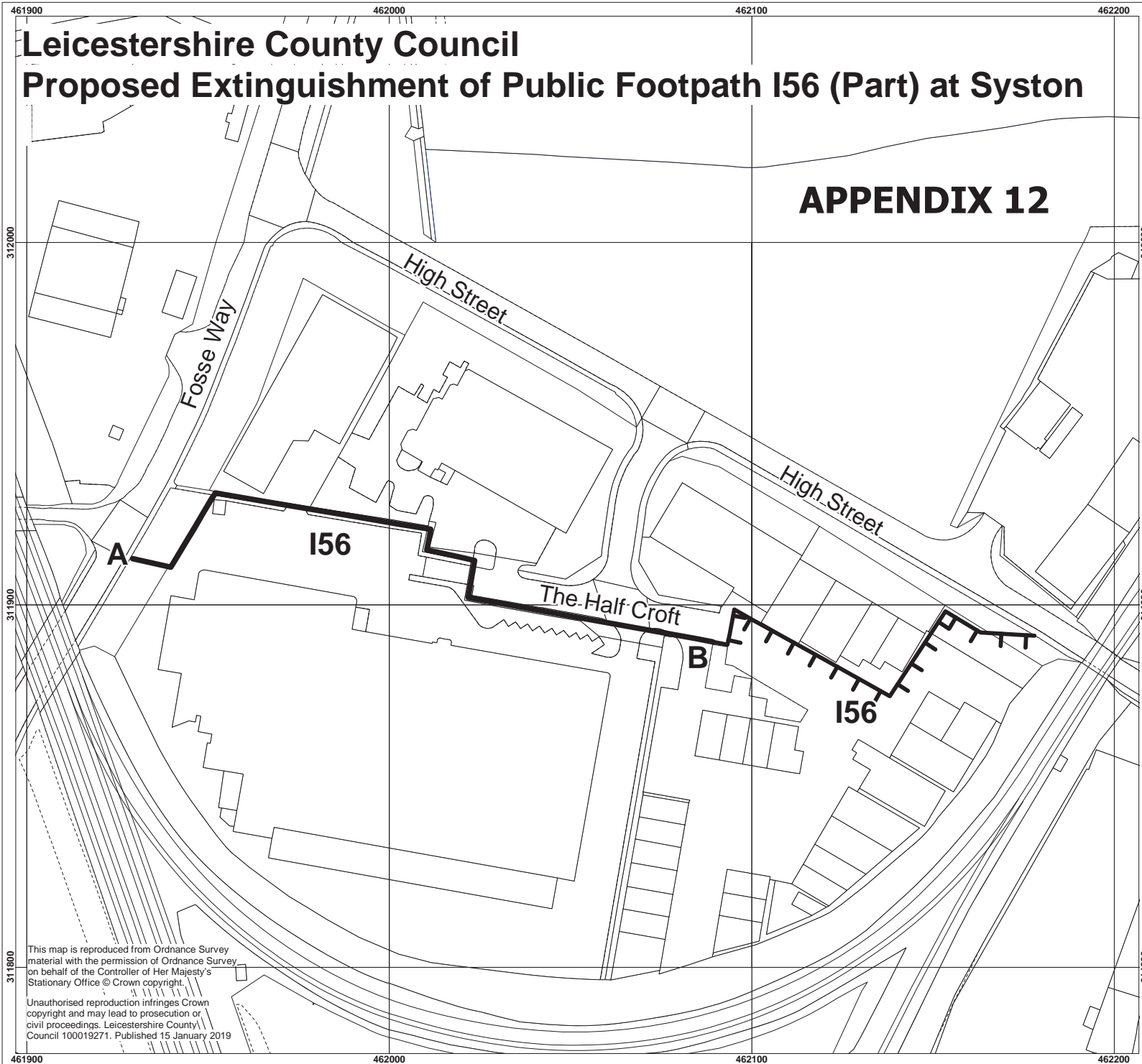
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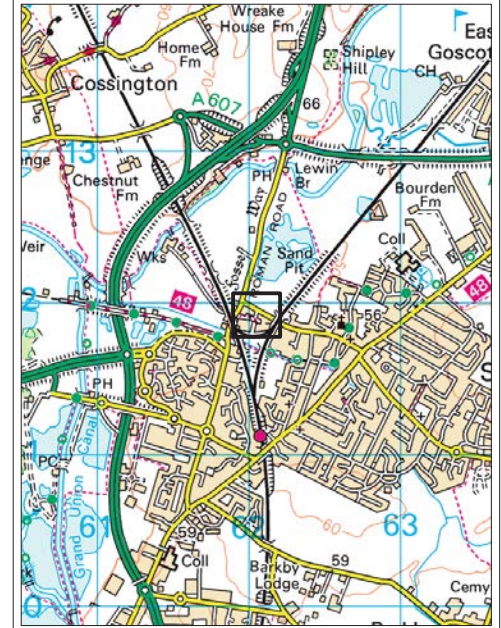
Leicestershire County Council

Proposed Extinguishment of Public Footpath I56 (Part) at Syston

APPENDIX 12



Location Plan



Key

- Footpath Proposed to be Extinguished A-B
- Unaffected Public Footpath

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County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



**Leicestershire
County Council**

Plan No. 2518

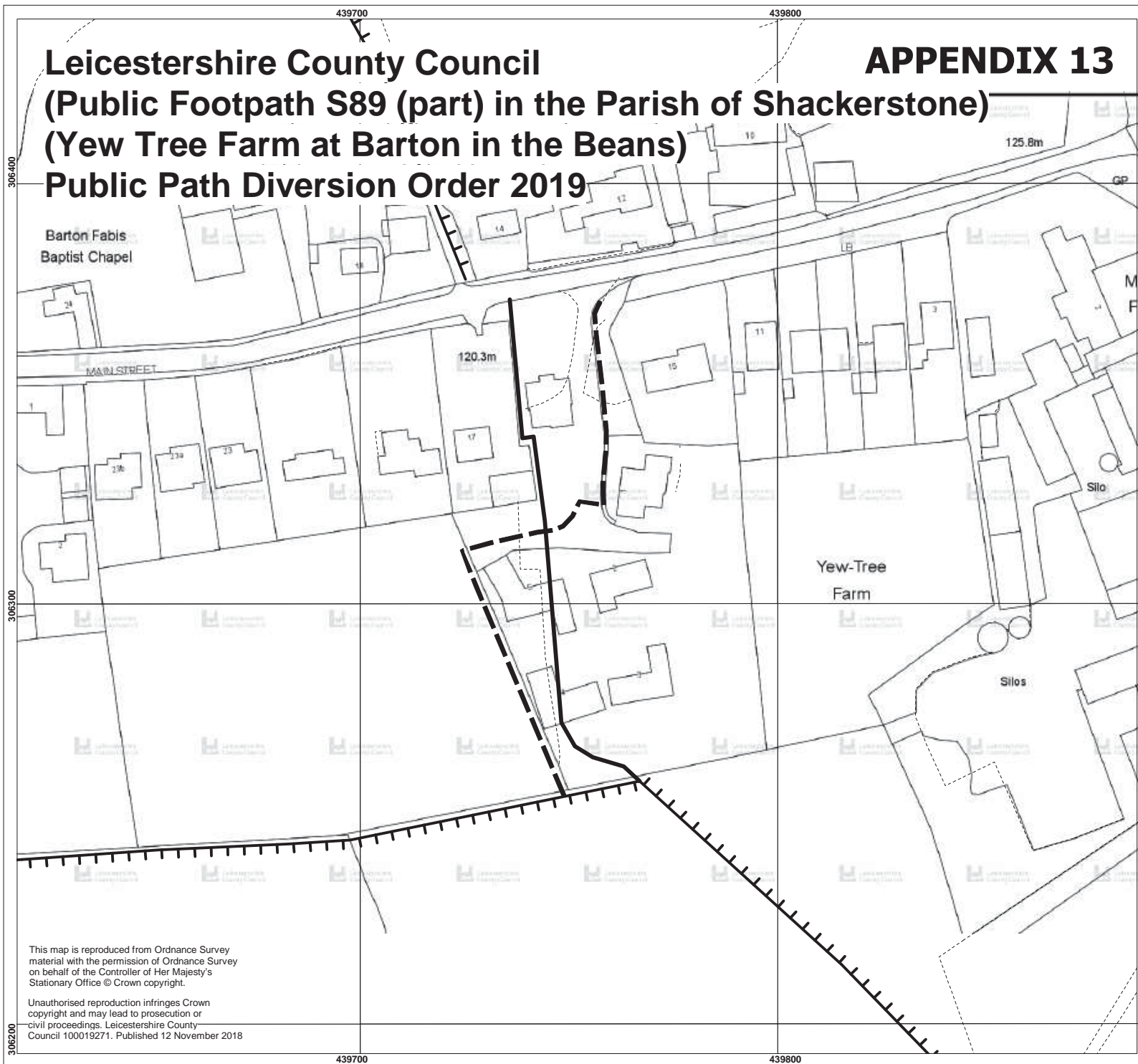
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Leicestershire County Council (Public Footpath S89 (part) in the Parish of Shackerstone) (Yew Tree Farm at Barton in the Beans) Public Path Diversion Order 2019

APPENDIX 13



Location Plan



Key

- Footpath to be diverted
- New Footpath
- Other Footpaths

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



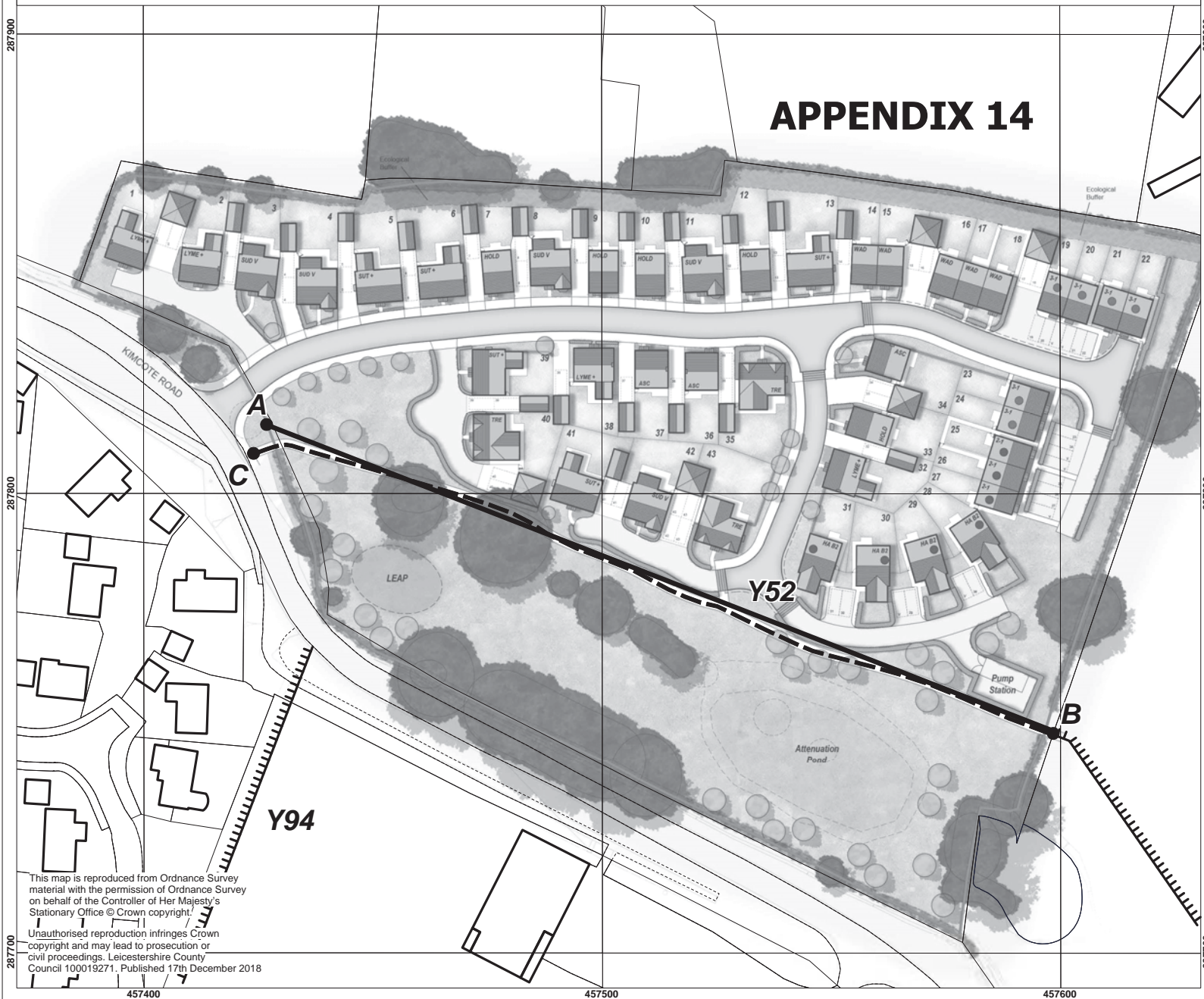
**Leicestershire
County Council**

Plan No. 2519 P

Scale 1:1250

Leicestershire County Council - Proposed Diversion of Public Footpath Y52 off Kimcote Road, Gilmorton




APPENDIX 14



Location Plan



Key

-  Footpaths
-  Footpath to be diverted A-B
-  Alternative new path C-B

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Phil Crossland



**Leicestershire
County Council**

Plan No. 2520-P

Scale 1:1250

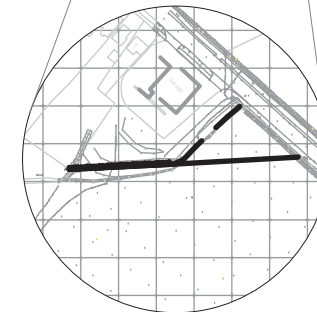
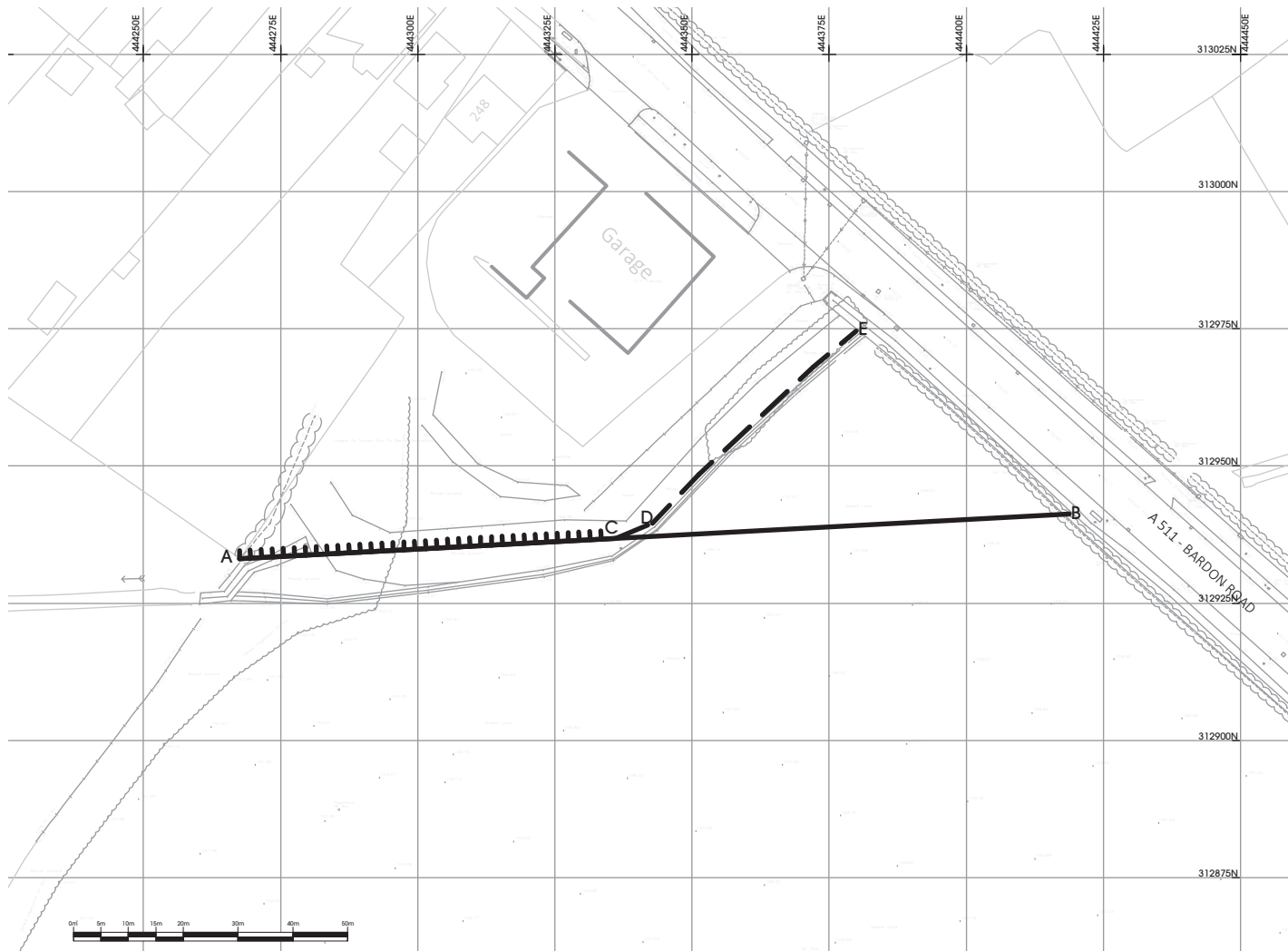
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EXISTING FOOTPATH N59 TO BE
DIVERTED (C-B)

LOCATION PLAN @ 1:2500



LOCATION PLAN BLOW UP

C.	21.12.18	Grid ref shown, existing route to be diverted shown in dotted line. Title changed.	AB
B.	25.10.18	Blow up shown on plan. Scale bar and north point shown.	DL
A.	22.10.18	AA amended to AB	AB
Rev	Date	Description	Drawn

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client
Tungsten Properties Ltd

project
**Bardon Road
Coalville**

drawing title
ROW Footpath N59
Diversion Site Plan

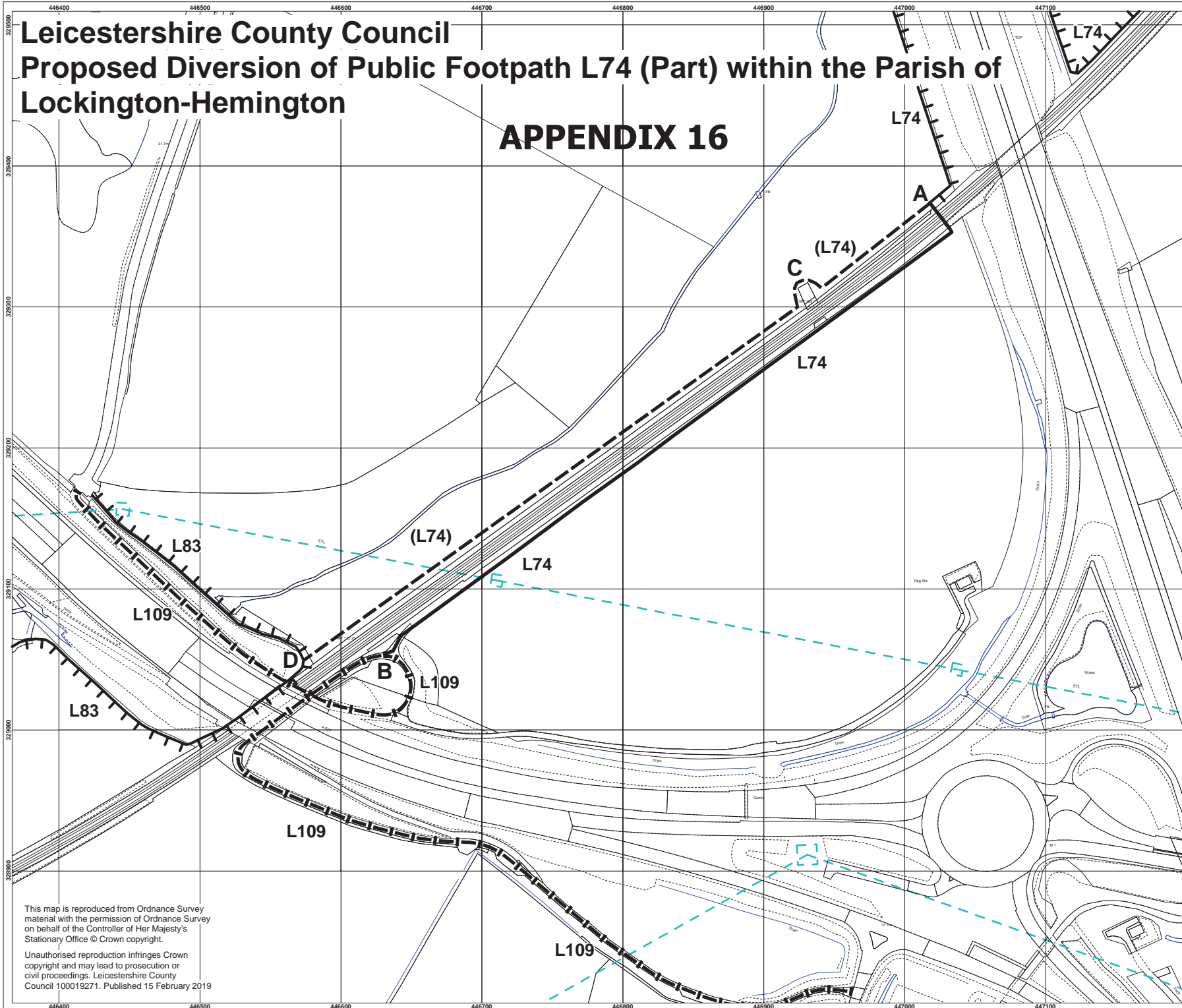
date	October 2018
status	Planning release

scale 1:1250 @ A4

drawn **AB** checked **NT**
job no. **2148** dwg no. **P503** rev. **C**

Leicestershire County Council Proposed Diversion of Public Footpath L74 (Part) within the Parish of Lockington-Hemington

APPENDIX 16



Location Plan



Key

- Public Footpath Proposed to be Diverted (A-B)
- Proposed Alternative Public Footpath (A-C-D)
- Unaffected Public Footpaths
- Unaffected Public Bridleway

32

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



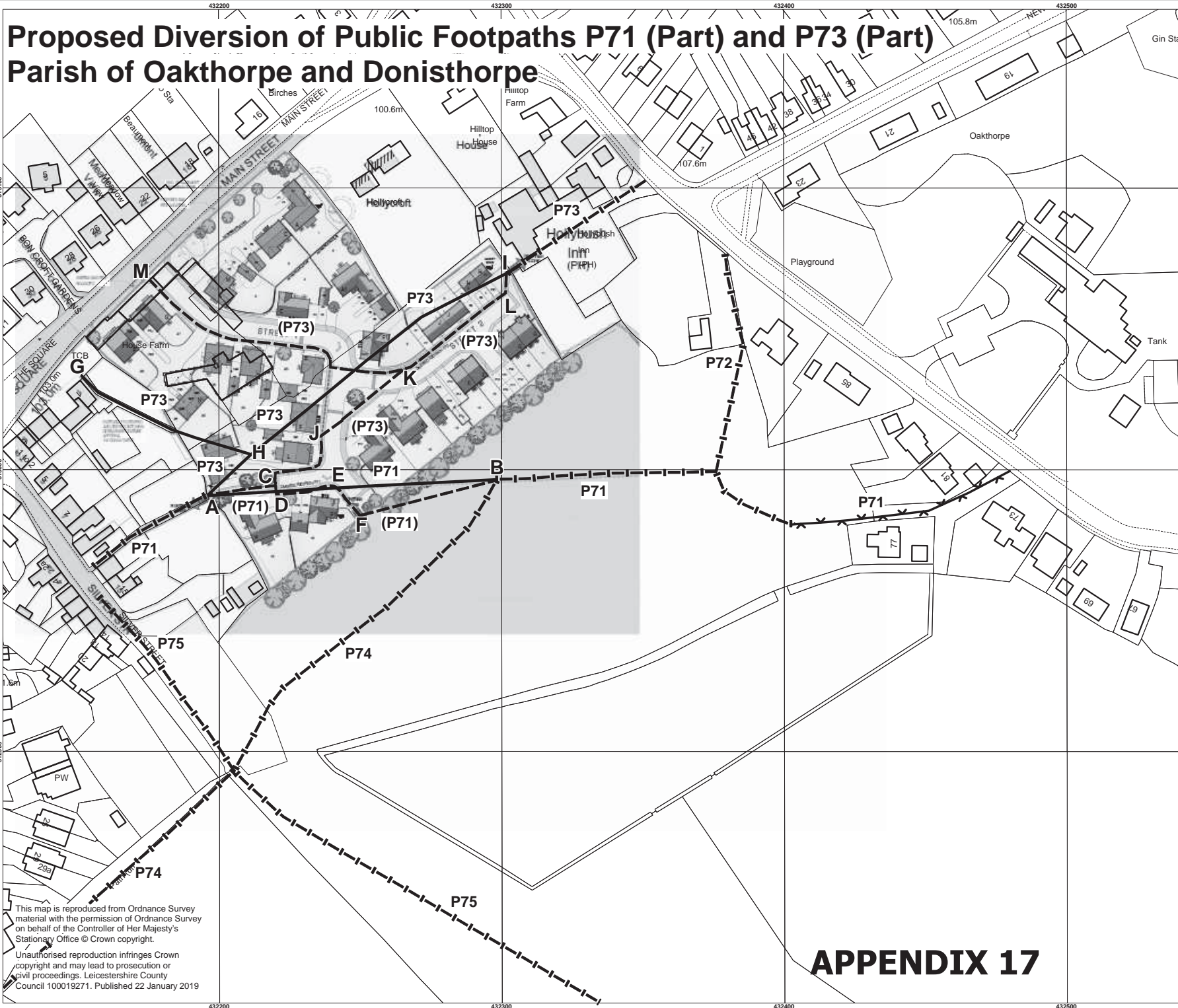
Plan No. 2523

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Proposed Diversion of Public Footpaths P71 (Part) and P73 (Part) Parish of Oakthorpe and Donisthorpe



Location Plan

Key

- Public Footpath P71 Proposed to be Diverted (A-B)
- Proposed Alternative Footpath P71 (A-C-D-E-F-B)
- Public Footpath P73 Proposed to be Diverted (A-I) and (G-H)
- Proposed Alternative Footpath P73 (C-J-K-L-I) and (M-K)
- Unaffected Public Footpaths
- Unaffected Public Byway

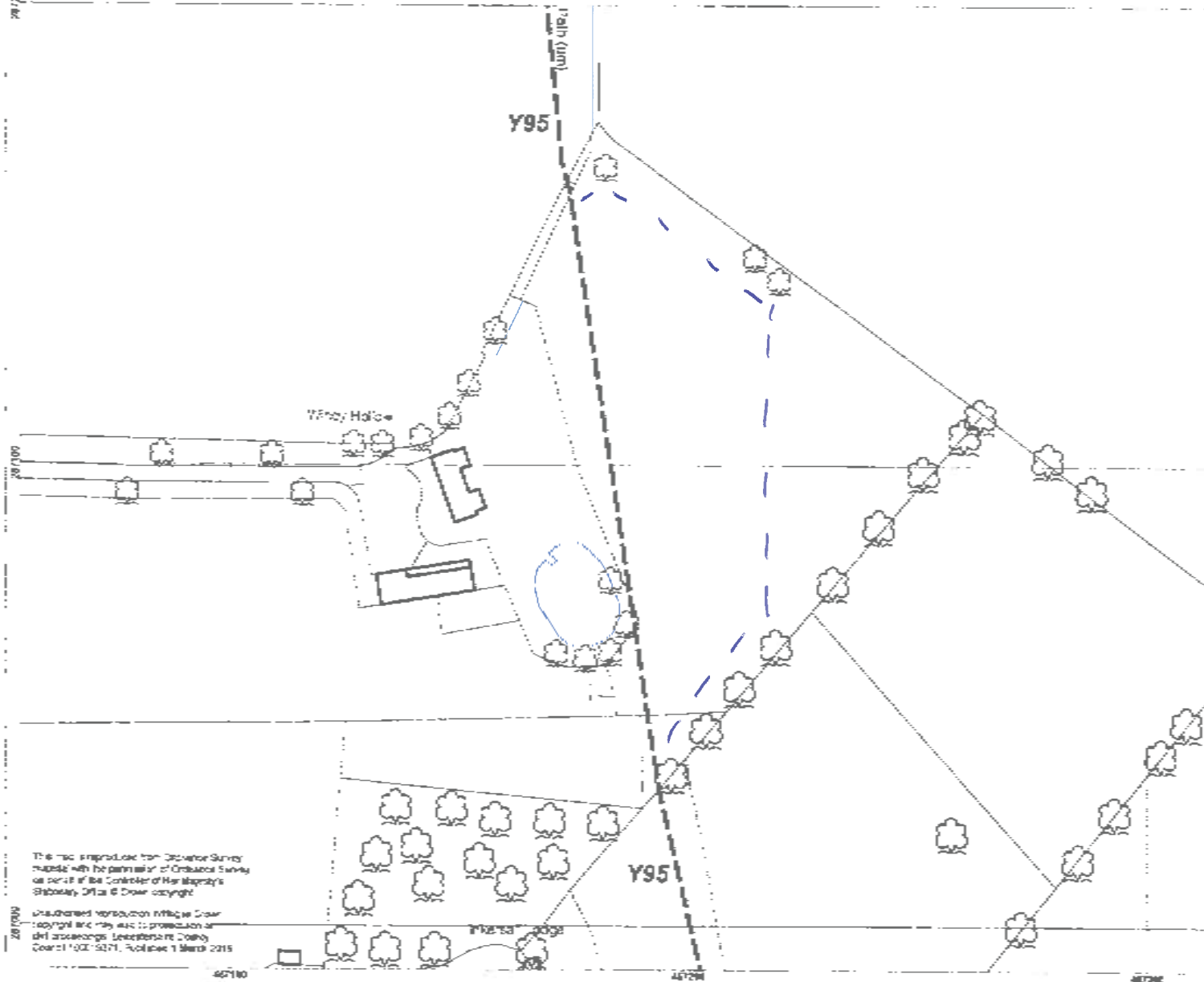
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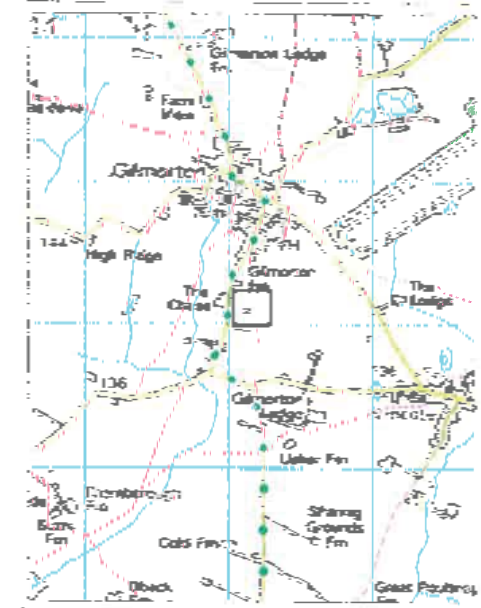
APPENDIX 17

Leicestershire County Council - Application for Diversion of Footpath Y95 at Windy Hollow, Gilmorton

APPENDIX 18



Location Plan



Key

Footpath to be diverted

Footpath to be created

Footpaths unaffected

Proposed diversion

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



**Leicestershire
County Council**

Application Plan

Scale 1:1250

Modification Orders Confirmed Since October 2018**APPENDIX 19**

Order No.	Order Type	Paths	Settlement	Notes	Appendix
M1084	Wildlife & Countryside Act 1981 Section 53(3)c(i)	Footpath G11	Barkestone le Vale	An application was received from the Leicestershire Footpath Association for the addition of this missing link/critical gap. Evidence was historical and documentary. Although one objection was received it was subsequently withdrawn and the Order was confirmed as an unopposed order.	20
M1123	Wildlife & Countryside Act 1981 Section 53(3)c(i)	Footpath D66	Twyford	An application was received from the Leicestershire Footpath Association for the addition of this missing link/critical gap. Evidence was historical and documentary. No objections were received so the Order was confirmed as an unopposed order.	21

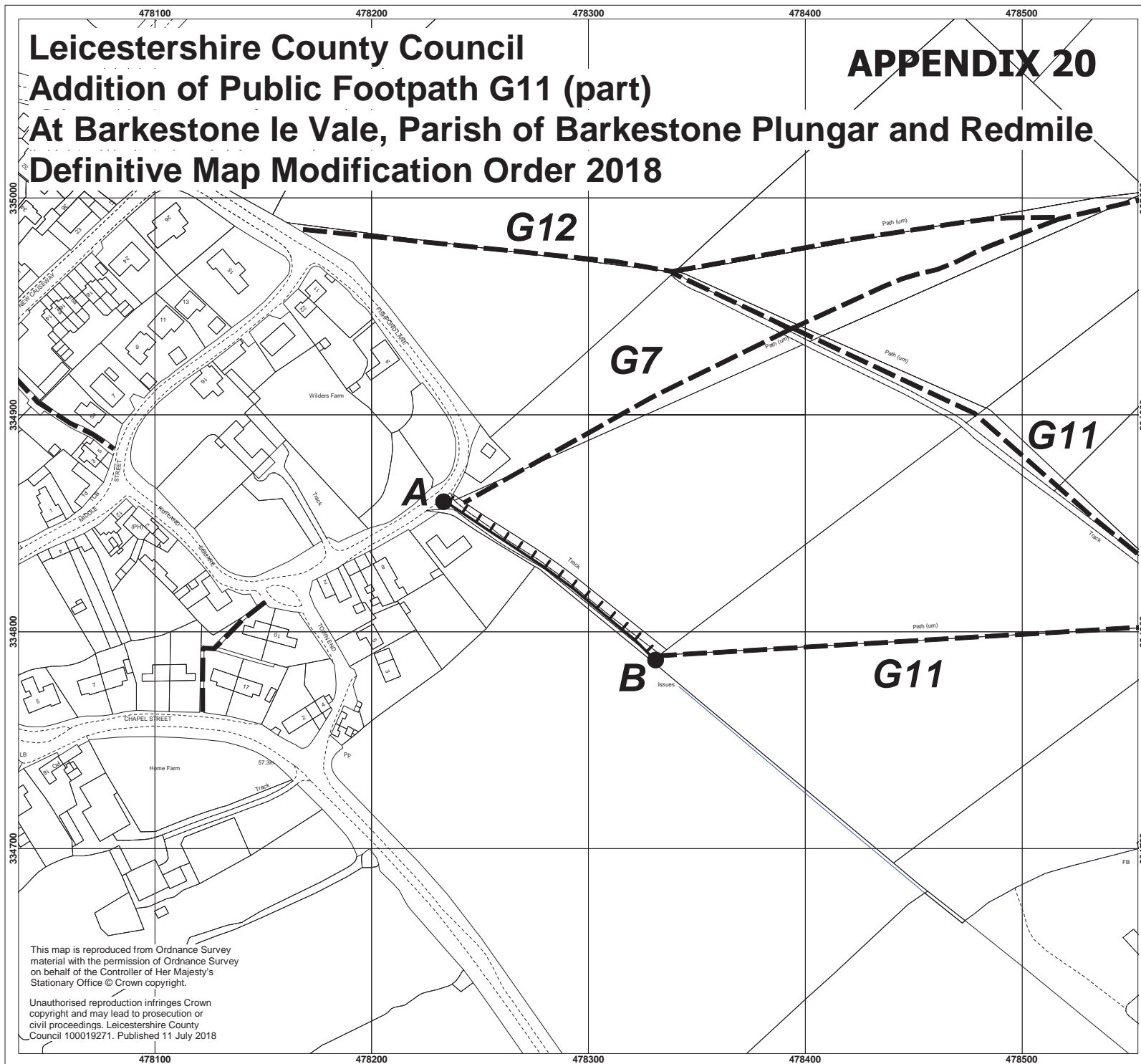
Leicestershire County Council

Addition of Public Footpath G11 (part)

At Barkestone le Vale, Parish of Barkestone Plungar and Redmile

Definitive Map Modification Order 2018

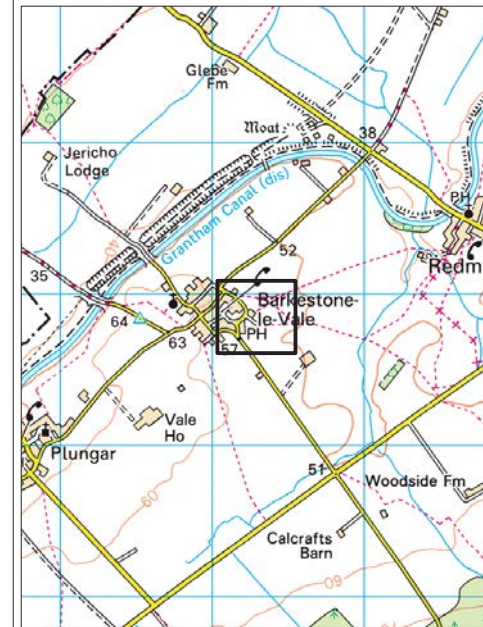
APPENDIX 20



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Location Plan



Key

- Footpath to be added A - B
- Other Footpaths

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Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



**Leicestershire
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Plan No.M1084

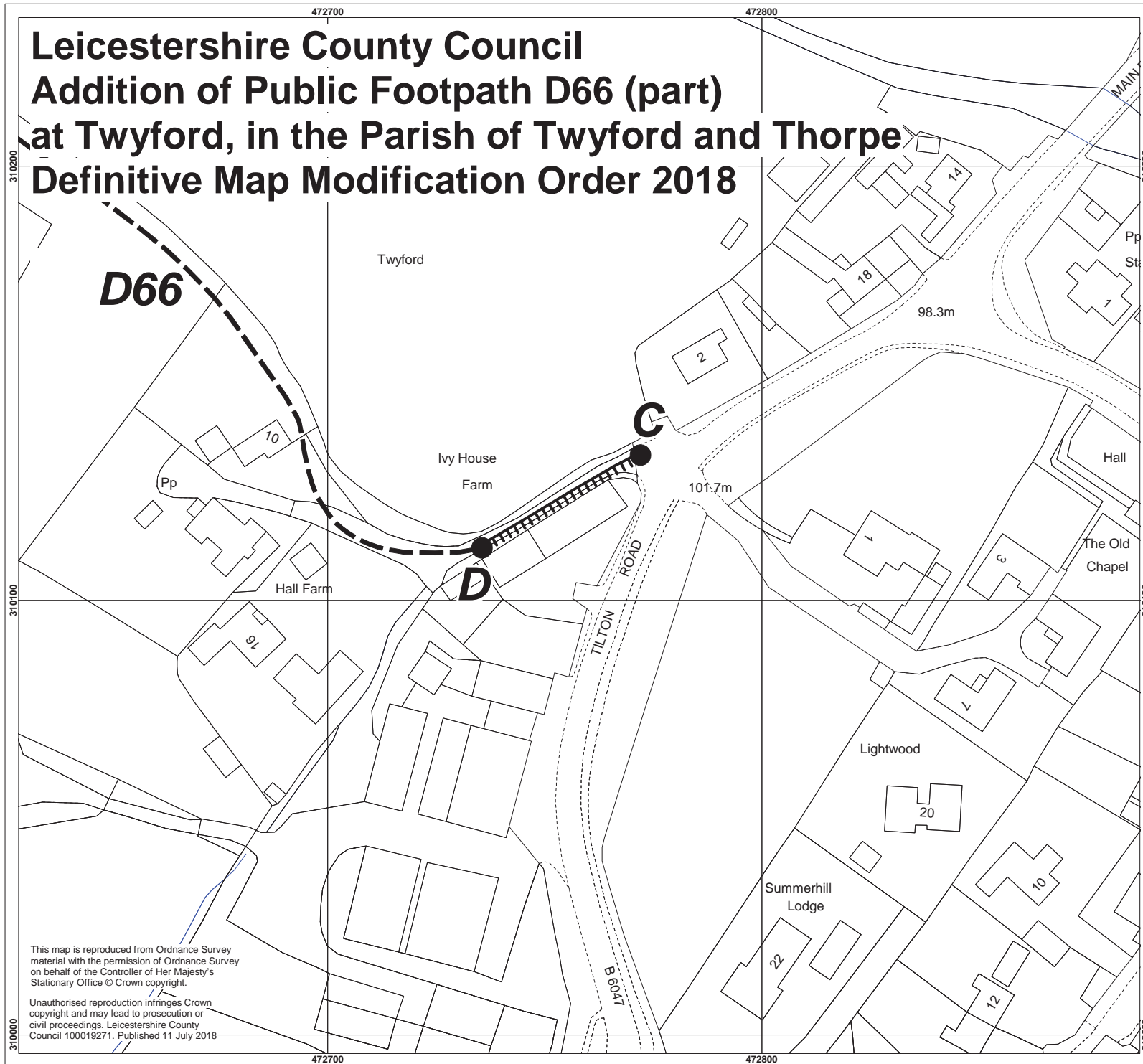
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Leicestershire County Council

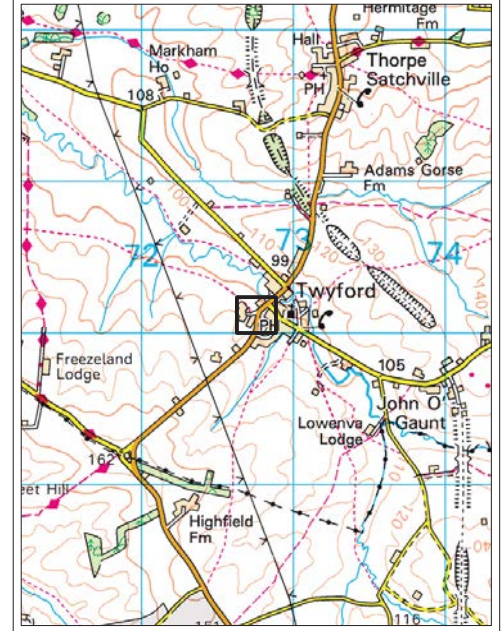
Addition of Public Footpath D66 (part)

at Twyford, in the Parish of Twyford and Thorpe



Definitive Map Modification Order 2018



Location Plan



Key

-  Footpath to be Added
-  Existing Footpaths

APPENDIX 21

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



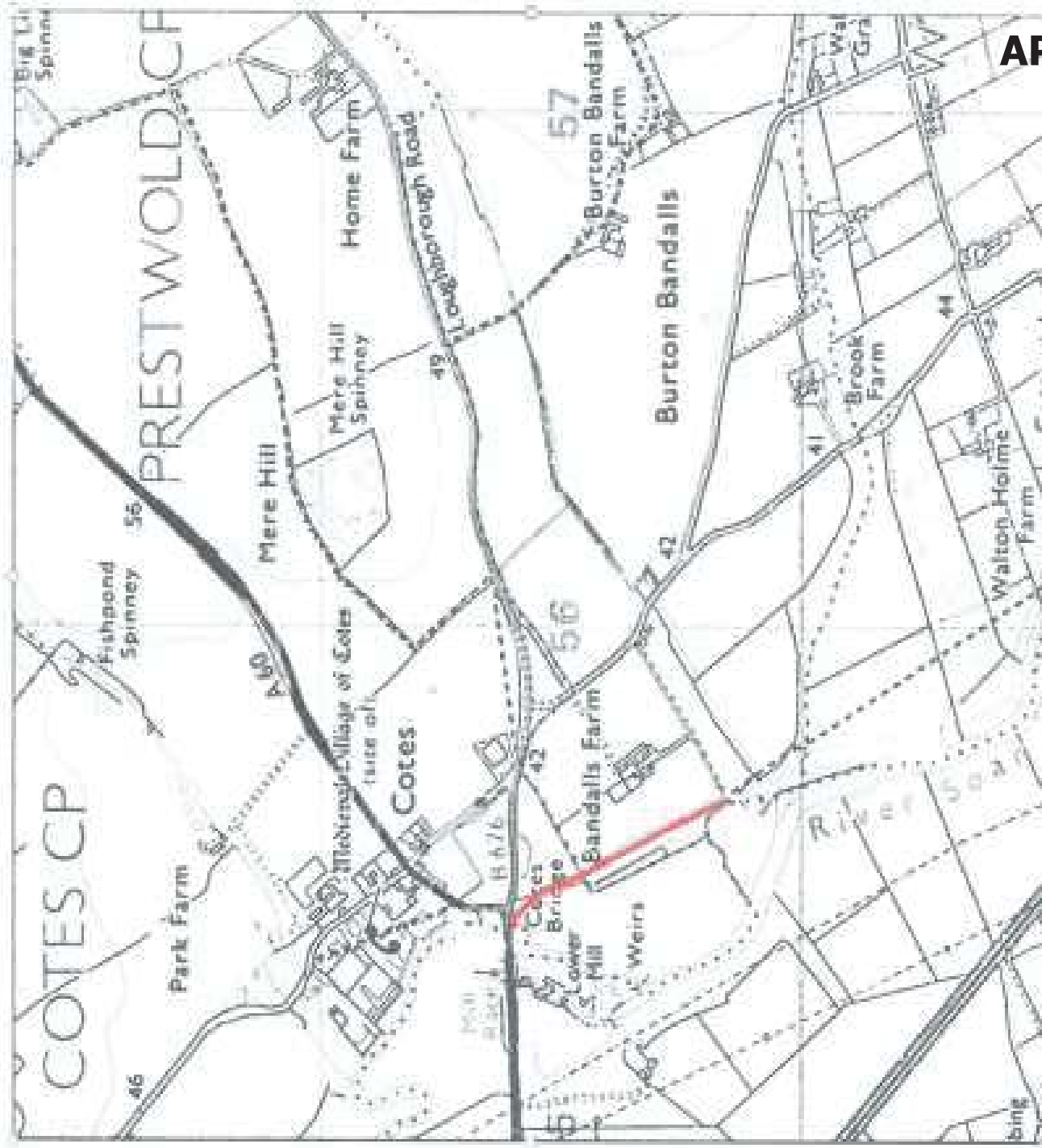
**Leicestershire
County Council**

Plan No. M1123

Scale 1:1250

Modification Orders Applied for Since October 2018**APPENDIX 22**

Order No.	Order Type	Paths	Settlement	Notes	Appendix
M1167	Wildlife & Countryside Act 1981, Section 53(3)	I15	Barrow upon Soar & Cotes	Claimed missing link/extension from the current termination of Footpath I15 to the A60/Loughborough Road	23



APPENDIX 23



Planning Inspectorate, Rights of Way Section
Room 3/25 Eagle Wing, Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Date: 3/3/2019
contact: Leicestershire Local Access Forum,
c/o Room 700, County Hall,
Leicester, LE3 8RJ
Email: information@leicslaf.org.uk

**RIGHT OF WAY I 20 - REF ROW/3209333 - STATEMENT OF CASE
PROPOSED EXTINGUISHMENT OF BRIDLEWAY I 20 (PART),
SILEBY ROAD AND ACROSS THE RAILWAY LEVEL CROSSING, BARROW UPON SOAR**

1 - INTRODUCTION

1.1 The Leicestershire Local Access Forum (LLAF) objected to the extinguishment of this crossing and remains of the view that footpath rights can and should be maintained by the provision of a bridge, albeit stepped, and that an additional diversion be found for riders.

1.2 As an independent statutory body, set up as a result of the Countryside and Rights of Way Act (CRoW) 2000, existing to represent the interests of everyone concerned with access to the countryside and the public rights of way network including footpaths, bridleways and byways, cycleways and areas of open access, we feel that the loss of amenity to the general public is not justified when alternatives are available.

1.3 Before it was closed on apparent safety grounds it was a major link in one of the best bridleway circuits in the area, keeping riders mostly off the busy roads. It was also a pedestrian route popular with both locals and leisure walkers giving access to the wider countryside and network of rights of way. With the construction of a new estate by Jelson off the Melton Road, the I 24 footpath to this crossing would have become even more popular for foot travel into the village. It would provide a good route for people from this area to access the bus route and it would again provide for children from Sileby going to school in Barrow, who at present have to use the narrow and dangerous footway along the busy road.

1.4 We remain to be convinced by suggested usage figures produced by Network Rail (NR) and question their methodology. We do not see how they could have counted the number of users if those users had not chosen to make themselves known to NR. There was a survey done in 2006 using telescope surveying and in March, not the best of weather for leisure walking, they recorded 12 pedestrians using the crossing in a single hour.

1.5 The busiest day recorded showed 51 people using the crossing. We acknowledge that is the highest usage and not constant but it does indicated a need for this route. Alternative routes are currently being used by the public due to the closure of the crossing leaving them no other choice, but that is not a relevant factor.

1.6 The LLAF does not believe NR has adequately pursued what we considered to be constructive suggestions for a safer crossing of the railtrack. Without an alternative being provided it creates a significant length of dead-end bridleway and a footpath (between Melton Road and the railway) which is contrary Public Policy for achieving a joined-up PRow network. When the initial suggestions were floated by NR we engaged with them to consider the various alternative solutions they had tabled and accepted that a bridge, suitable for riders, would be an eyesore and impinge unreasonable on nearby residents. It would have involved the probable compulsory purchase of at least one residential property. They declined

to bridge that location on the grounds of the purchase and demolition of a property, the visual intrusion and the creation of a bridleway parallel to a railway. They also mentioned safety but a bridge must be safer than busy roads. They mentioned value for money which we consider irrelevant but also talked of their reputational impact. We would contend that whilst this is also irrelevant in determining this matter, closing popular routes like this do more damage to their reputation than this bridge would.

1.7 We do feel that there is a perfectly feasible solution with a bridge located just off the present line of the route which could have satisfied the foot traffic. We are given to understand that NR does already have Permitted Development Rights (CBC ref P/10/0730/2) for a stepped pedestrian bridge beside Pingle Nook. This would not provide for cyclists and horse riders but riders can accept a more lengthy diversion and the bridleway rights could have been satisfied as well by separate means. It would keep horse riders and cyclists, off the busy roads in Barrow.

1.8 We see no reason why the existing rights should not be protected by two solutions if a one-fits-all solution is not available and, bearing in mind their original comments, it seems to us that the only reason why NR are not going down this route is one of cost. There is precedent for bridleway rights being extinguished but footpath rights being accommodated but in this case we believe that both sets of users can be accommodated by two different solutions.

1.9 We have over recent years tried to engage constructively with NR on several occasions as regards their plans for level crossings. The suggestions put forward by NR to close a number of level crossings have been explored and we have agreed some diversions or alternative routings by bridge. However some proposals are not acceptable, the alternatives being unsuitable because they are too long; removing a sense of directness of purpose and taking users of a particular route too far out of their way. This is especially true where the route is used more for everyday utilitarian travel rather than recreation or because the alternative involves walking or riding on a busy road, especially if it has no footway or useable verge. With the new housing development this would increasingly be the case with this crossing were it to be available. We see ourselves as critical friends offering constructive advice based on our breadth of local knowledge and rarely object as such, but on this occasion we felt we had to

2 - BACKGROUND

2.1 The LLAf sees as a major part of its role, the need to facilitate and encourage the general public to walk or ride more. There is increasingly strong evidence of the health-benefits of walking in particular. E.g. the fact that brisk walking improves circulation and the performance of the heart and lungs. Walking can lower blood-pressure; it can reduce risk of stroke and of heart disease. It can improve control of blood sugar in type-two diabetes and it has an important role in cardiac rehabilitation. Walking and riding also promote mental health and general well-being, and have the potential to be as effective as anti-depressants or psychotherapy in treating depression. The loss of this route has reduced the opportunities for residents to get out into the nearby countryside. Widespread take-up of walking and riding generally could massively lighten the economic burden on the NHS caused by physical inactivity and provide a boost for rural economies. Walkers and riders spend literally billions of pounds in the countryside and it is calculated to support a quarter of a million jobs.

2.2 It can be demonstrated therefore that such activity in the country can reduce the nation's health-bill and boost the opportunities for rural diversification. In the Barrow case, with new development on the far side of the tracks, the route in question can provide a link into the main part of the village and discourage the use of a vehicle. There is thus a need for a rights of way network which encourages walking and riding; a network which connects people with their communities and their local amenities and with their history and the wider natural environment.

3 - BARROW

3.1 This closure, if permitted, would sever the network and provide unacceptable alternatives. The LLAF urges the appointed Inspector to bear in mind the potential effects of the closure not least because walking and riding along dangerous and inconvenient roads is the alternative.

3.2 We do not believe in many instances, the risks involved in the use of level crossings is any greater than the risks taken regularly in daily life, including crossing roads. It seems to us that most accidents at crossings are at vehicular crossings and that other fatalities are quite often suicides. The perceived danger of crossings should not be an excuse for closures to satisfy operational or economic aims. We have seen suggested closures of crossings with no records of accidents, with diversions onto dangerous roads with a history of accidents. Where there is a greater degree of danger on the suggested alternatives then we believe this can often be a good reason to refuse a request for an extinguishment and the issue can often be addressed by providing pelican style warning lights, CCTV observation, and telephone contact.

3.3 In the case of Barrow we are unaware of any accidents although there was a narrow escape which triggered the proposed closure. With Barrow, the railways, which will become an increasingly high-speed high-frequency line, the track operation will be a profitable enterprise and we believe that the building of a footbridge can be considered a reasonable financial solution. The provision of a longer diversion for riders would be of modest cost in the greater scheme of things.

3.4 We are able to suggest in more detail how such solutions could be provided - See app1 for details of these suggestions.

4 LEGAL BACKGROUND

4.1 We understand that the Secretary of State or Highway Authority “...shall not confirm such an order unless he, or as the case may be, they, are satisfied that it is expedient so to do having regard to all the circumstances, and in particular to: - (a) whether it is reasonably practicable to make the crossing safe for use by the public....” etc. This is the provision in section 118A(4) of the Highways Act 1980.

4.2 We contend that even if the Secretary of State accepts that the safety concerns about the crossing are well-founded, the Inspector needs to have regard to all the circumstances, which must include the ways people will have to go instead. If those ways are similarly dangerous because of road traffic, or unsuitable at attracting users because of the noise and perceived danger and fumes of traffic, those, we submit, are considerations which must weigh heavily against confirming the order.

4.3 There appears to be no case-law governing the principle, but we submit that principles laid down by the courts under other provisions ought, by analogy, to apply here. These authorities have a common principle that authorities should not extinguish any public right of way over land unless the Secretary of State is satisfied that a suitable alternative right of way has been or will be provided, or that the provision of an alternative right of way is not required.

4.4 In the case of *Ramblers' Association v Kent County Council* (1990) it was held by Lord Justice Woolf it was necessary to be satisfied that the alternative way was suitable, or reasonably suitable, for the purpose for which the public were using the existing way. *See appendix 2*

4.5 In this matter we contend that the directness of the route will be lost if the order is confirmed. That directness can be a factor in the enjoyment of a route was accepted by an Inspector in the matter of *The Council of the London Borough of Harrow — Harrow School Playing Fields (Footpath No 57) Diversion Order 2013*, Planning Inspectorate reference FPS/M5450/4/1, and the Council of the London Borough of Harrow *Harrow School Playing Fields (Footpath No 58) Diversion Order 2016*, Planning Inspectorate reference FPS/M5450/4/3. *See appendix 3* - It was an order under section 119 of the Highways Act 1980. In that matter, objections had included the undesirability of a zigzag route replacing a direct one, and the loss of sense of walking an old-established route. The Inspector generally accepted both matters as relevant factors. She commented “The straightness of the route gives walkers a sense of purpose which is lost on a route which turns at angles to avoid modern, man-made features”. This is different legislation but we

contend that loss of directness is one of the “circumstances” to which the Inspector should have regard in deciding whether to confirm the order.

4.6 We also note the recent decision made by Grahame Kean an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs in respect of a crossing in Derby: (ROW/3169391 under Section 118 of the Highways Act 1980 known as the Derby City Council Megaloughton Lane, Extinguishment Order 2014 - Decision date: 29 November 2017)

4.7 We do not quote these as if we think they set some sort of precedent, since every case must be judged on its merits but they do support our case that where practical, a direct route should not be extinguished in circumstances like the ones faced at Barrow.

4.8 National policy to reduce rail journey times and maximise the safety of crossings are relevant considerations. However we feel there is insufficient evidence that such benefits outweigh the primary consideration of the use of this historic route by the public and argue that there are acceptable diversions and a practical bridge construction and would ask that the likely extent to which the route would, apart from the Order, be likely to be used by the public be given prime consideration.

4.9 Leicestershire County Council has a Rights of Way Improvement Plan which we helped them produce. Amongst its aims, to paraphrase, is promoting a sustainable transport network including, for walkers and riders, travel on mainly traffic-free routes. Given that there would be inconveniences and risk arising from using any alternative routes, especially in terms of more vulnerable users, with longer routes and their proximity in places, to fast moving traffic, it is clear that confirmation of the Order would act contrary to fulfilling the objectives of the plan

5 SUMMARY

5.1 When the crossing was first closed about 10 years ago we engaged with Network Rail’s then safety and security officer to explore solutions to the perceived risk at this potentially dangerous crossing. It crosses points and two little used tracks serving quarry sidings before four tracks of the main line. We accepted that with trains potentially being speeded up, the crossing as it is would have to be replaced and both sides agreed that a bridge was feasible on a slightly diverted line to the original right of way

5.2 A series of public consultations was then organised out of which numerous possibilities arose and in the end several options were on the table for determination. For a number of reasons it became apparent that a bridle bridge was virtually impossible but that a footbridge could be achieved but with a new brideway link need to replace those lost rights.

5.3 A practical new brideway link of just over 1400 yards was identified to an existing brideway (I 4) and subject to engineering constraints the possibility of re-opening an underbridge at Hayhill Lane

5.4 The only reason we can see why the footbridge should not be constructed is one of cost. Section 118A of the Highways Act states that the Secretary of State shall not confirm a rail crossing extinguishment order, and a council shall not confirm such an order (when) it is reasonably practical to make the crossing safe for use by the public. The bridge would be safe and indeed considerably safer than using the busy roads to achieve the same journey.

5.5 It is entirely possible to safely satisfy the brideway rights by the link to I 4 although it might require some compulsory purchase and compensation but again cost appears to be the only reason not to pursue this option

5.6 We contend that whilst cost is a consideration it should not justify the loss of public rights, a useful link and a safe route

5.7 There appears to be no solution which satisfies all rights by one means and the potential extinguishment of foot rights and the loss of bridleway rights should therefore be treated as two quite separate matters with different solutions being available for both, neither of which should be contingent on the other.

6 THE HEARING

6.1 Members of the Forum will be in attendance for all or part of the hearing and I would wish to speak in support of our submission

John Howells, Chairman, Leicestershire Local Access Forum,
C/o Room 700, County Hall, Leicester, LE3 8RJ
(www.leics.gov.uk/laf)
Telephone - County Hall 0116 305 7086

7 APPENDICES

- 1) Possible solutions
- 2) Ramblers Association v Kent County Council
- 3) Harrow School Playing Fields (Footpath No 57) Diversion Order 2013.

7.1 APPENDIX 1

7.1.1 Bridleway rights could be created between routes I 4 and I 20 which is at present dysfunctional. British Gypsum has land reserved for the creation of sidings but they have had that permission for many years and never seen the need to actually create these sidings. It should be possible to negotiate the use of this land given that it is now highly unlikely to be seen as economically viable to use such sidings for what is left of their mining permission. As a last resort the land could be compulsorily purchased. This route is too long to be of any practical assistance to pedestrians wishing to cross the line but could be a solution for horse riders

7.1.2 We do of course speak for the general public and our soundings suggest that the popular local solution for a bridleway is to re-open Hayhill Lane (Underbridge 55) which has been filled in. This would provide an alternative bridleway and additional footway. There would be a need to provide an equestrian route to the north of the proposed Network Rail loop next to the Up Slow line to link the existing Bridleway with Hayhill Lane and this might require a CPO. The engineering works do not appear to be very challenging although the underbridge may flood. Such a route would provide access directly into a support area for the quarrying activity but we do not consider this to be a safety concern given appropriate fencing.

7.1.3 There is a track down to Hayhill Lane from footpath I 23 just to the north east of where it intersects bridleway I 20; Hayhill Lane could then be used for a short distance to a headland route down to cross the Gypsum service road and link up with I 4. If this route could be agreed, I 20 could be downgraded to a footpath between I 23 and the railway to maintain the local village circuit. The footbridge would then be an extension of footpath I 24.

7.1.4 Footpath rights can quite easily be satisfied by a slight diversion to allow the creation of a stepped bridge. Ideally we would wish to see ramps but if that is not deemed possible at this location then a stepped bridge satisfying the needs of most users on foot would be acceptable. Given the constraints of the footprint within which solutions for a pedestrian route have to be created, we concede that steps will be required as there does not appear to be room for a ramp. This unfortunately will be disadvantaging some

of the less able, but this should not be an excuse for depriving the majority of users of their legal rights of way. Legislation requires Network Rail to take all reasonable steps to accommodate less mobile people but difficulties in this area do not justify failing to maintain the rights of the many.

7.1.5 The exact location of such a bridge could be explored further and there are possible slight variations but our preferred option is to remove a broad hedge of conifers which is about three metres wide. This location would require a short stretch of trackside land on far side which may take a CPO. On the Barrow side it would involve a stepped bridge at Pingle Nook but to the side of existing drive on the edge of Jelson's land replacing the hedge and thereby not taking up any useable land on Jelson's property.

RIGHT OF WAY I 20 - REF ROW/3209333 - STATEMENT OF CASE
 PROPOSED EXTINGUISHMENT OF BRIDLEWAY I 20 (PART),
 SILEBY ROAD AND ACROSS THE RAILWAY LEVEL CROSSING, BARROW UPON SOAR

Further Legal Submissions

1	We do not dispute the potential danger from the crossing. What is wrong is closing it altogether instead of providing a safe alternative which is not an at-grade crossing
2	Network Rail ("NR") clearly recognise the demand for a crossing here. 40 users a day were noted before use was prohibited. At paragraph 3.16 of their Statement of case NR recognise that there would be a significant increase in use as a result of proposed development: "the character of the crossing will change into a busy thoroughfare". They say this "only serves to reinforce the requirement for stopping up". We contend that it does the opposite, and shows the need for a safer alternative crossing such as a bridge or underpass.
3	The government and the medical profession recognise the increasingly strong evidence of the health-benefits of walking and encouraging people to walk. Brisk walking improves circulation and the performance of the heart and lungs, and can lower blood-pressure, and reduce risk of stroke and heart disease, the UK's biggest killer. Walking also promotes mental health and well-being, and improves mood. It has the potential to be as effective as anti-depressants or psychotherapy in treating depression. These and other matters are well-attested and widespread take-up could massively lighten the burden on the NHS caused by physical inactivity.
4	Walking in a country lane between paths could at one time have been a pleasurable activity. Nowadays the volumes of motor vehicles, and their noise and fumes and speeds, dispel any rural tranquillity. Some motor-vehicles are too large for lanes which existed before the age of lorries, cattle trucks and milk-tankers, but they still use them. Many cars go at speeds which either endanger vulnerable road users or put them in fear of danger, even where a footway is provided.
5	Closing a direct strategic link like this works counter to the laudable aim of encouraging people to walk. Severing the rights of way network, so that the alternative is walking on dangerous roads with the attendant unpleasantness of vehicle noise and fumes, is likely to diminish people's desire to walk.
6	Section 60 of the Countryside and Rights of Way Act 2000 required local highway authorities to produce rights of way improvement plans. The assessment which highway authorities had to make under section 60(1)(a) had to include, by virtue of section 60(2)(b), "the opportunities provided by local rights of way ... for exercise and other forms of open-air recreation and the enjoyment of the authority's area".
7	In connection with the provision, the Government produced official guidance, namely the statutory guidance contained in the document Rights of Way Improvement Plans — Statutory Guidance to Local Highway Authorities in England, published by the Department for Environment, Food and Rural Affairs in November 2002.
8	Under the heading "Assessing users' needs" in the document's paragraph 2.2.2, the statutory guidance highlighted certain types of route as of particular importance:— In making their assessments under section 60(1)(a) and 60(3)(a) [said the advice], local highway authorities should consider the needs and circumstances of people with a range of expectations, interests and levels of ability. They should take account of the needs of both local people and visitors to the area. For example, local highway authorities should consider the adequacy of:

	<ul style="list-style-type: none"> • access to and within attractive areas of countryside which might currently have few rights of way such as watersides, coast and woodlands, or access to a particular viewpoint, feature or other attraction; ... • opportunities for cycling, harness-horse driving, horse riding and walking other than on roads used mainly by motor vehicles; and links in the network which enable people to avoid having to use such roads; • routes from centres of population, or routes which can be used in conjunction with public transport, which allow people to gain easy access to countryside from where they live; • links which create circular routes and better facilities for walkers, including dog walkers, runners, cyclists, horse riders and harness-horse drivers for leisure and health....
9	<p>The same document also makes this general point about rights of way:—</p> <p>1.1.1 Local rights of way are both a significant part of our heritage and a major recreational resource. They enable people to get away from roads used mainly by motor vehicles and enjoy the beauty and tranquillity of large parts of the countryside to which they would not otherwise have access. They are becoming more important as increases in the volume and speed of traffic are turning many once-quiet country roads into unpleasant and sometimes dangerous places for walkers, cyclists and equestrians.</p> <p>1.1.3 Local rights of way can also provide a convenient means of travelling, particularly for short journeys, in both rural and urban areas. They are important in the daily lives of many people who use them for fresh air and exercise on bicycle, foot or horse, to walk the dog, to improve their fitness, or to visit local shops and other facilities.</p> <p>1.1.4 Research for the Countryside Agency on rights of way use and demand in 2000 revealed that just over 50 per cent of households had at least one member who had used local rights of way in the previous year. The most popular activities were walking and cycling. 30 per cent of households felt that there were not enough paths and tracks while 40 per cent felt that provision was adequate. 70 per cent of households (including a third of those where nobody had undertaken any activities in the countryside in the previous year) said that they would increase activity, particularly walking and cycling, if more paths and tracks were available.</p>
10	<p>Whether Leicestershire County Council identified bridleway 120 in a RoWIP as part of the above criteria does not matter for present purposes. By any measure this is a path which DEFRA's guidance regards as significantly useful: it is a link in the network which enables people to avoid having to use roads; and it is a path which allows people to gain easy access to countryside from where they live. It is such a path par excellence: it provides residents of Sileby Road with a direct link to countryside to the north and east of the line.</p>
11	<p>NR mention (3.12) amenities to the south including a marina and (oddly) "an industrial estate". It is true there are amenities to the south, though that sector has an industrial and generally developed feel to it, not least on account of Mountsorrel quarry and the four-lane A6. The terrain to the north and east of the line is of open aspect and more character, with a good rights of way network, and some good distant views with plenty of old grassland. It provides a real sense of leaving the suburban aspects of Barrow behind, and the walks take on a truly rural character. A bridge ought to be provided to maintain that connection.</p>
12	<p>Guidance published by DEFRA in 2015 is relevant as well. Highway authorities must make an assessment including the following matters clearly regarded as important:</p> <p><i>'inconsistencies on individual rights of way, e.g. paths that don't follow the mapped route or routes which have a dead end'</i></p> <p>and</p>

	<i>'opportunities to improve the network, eg restoring routes that have been cut off by building works'.</i>
13	The order will create more of the problems to which the Rights of Way Improvement Plan is meant to ameliorate. Instead of restoring a route that has been cut off, it will create a route which has been cut off. When assessing the issue of expediency in determining the order, in our view the Inspector should have regard to the fact that this statutory guidance highlights this kind of path as of particular importance
14	<p>We do not say that because the bridleway almost certainly existed before the railway did, it should remain where it is through "seniority".</p> <p>We do say that it is perverse that the design of the rights of way network, whether for functional use or for recreation, has to be subservient nowadays to the needs of a poorly-designed railway which cut corners by having level crossings in the first place.</p> <p>If as part of NR's economic enterprise the level crossing needs to close so that the trains can run faster and faster, then the building of footbridges should be a reasonable expectation as part of the operation of such an enterprise. That is what needs to happen not to extinguish old-established rights in circumstances which will lead to fewer people walking and make it less attractive for those who continue with what is left.</p>
15	As for the practicalities of a bridge, we agree that the Highways Act 1980 doesn't provide for a compulsory purchase order but to provide a bridge would probably require the highway authority to make a diversion order. This could create enough new highway to enable a bridge to be constructed on part of it. There is provision for compensation for affected landowners [section 28 of the Highways Act 1980, as applied to this kind of order by section 121(2)]. It is arguably the same thing as a CPO.
16	We ask the Inspector, in assessing the expedience of confirming the order, to have regard to the circumstances we mention and to find that it is reasonably practicable to make the crossing safe for walkers by means of a bridge, and that the order be not confirmed, and that a bridge be provided instead.

John Howells, Chairman
Leicestershire Local Access Forum,
c/o Room 700, County Hall, Leicester, LE3 8RJ

5.4.2019



LEICESTERSHIRE LOCAL ACCESS FORUM – 14th May 2019

REVIEW OF RIGHTS OF WAY IMPROVEMENT PLAN

Purpose of Report

1. To update Forum members on the proposed review of the Rights of Way Improvement Plan.

Background

2. In 2000 new legislation established the requirement for Local Rights of Way Improvement Plans. Government had been seeking to encourage more people to walk, cycle and ride. In broad terms, the documents review the local rights of way network in areas and consider how best to manage them for the public to use. The documents also contain an Action Plan of how the network will be managed over time and any improvements worthy of focus.
3. The documents have covered all aspects of rights of way management including the recording of paths and order making.
4. In 2006, Leicestershire County Council produced a first Local Improvement Plan. This was to cover the period to 2016. A revision of the document was published in 2011 to update parts and look ahead a bit further. The document is available online.
5. The authority is now proposing to renew the document and put forward a new action and work plan for the next 5 – 10 years.

The Existing Document

- The current plan includes the following areas:
 - A broad introduction, including policy and health
 - Looking After the network, the management of paths on the ground and how best to do this with work programmes.
 - Recording the network, including the map and statement and changing things looking ahead with Deregulation.
 - Encouraging use and promoting the network
- 6. The Local Access Forum is seen as the primary consultation body for the plan, including having input into initial proposals. As a starting point, it is suggested that a special workshop is held with the group. As well as a

background presentation(s) this would introduce the process and seek ideas from the group to take matters forward.

7. The authority would also like engage at an early stage, on the future management of the paths and the map itself. Subjects such as the closure of the map and future maintenance of paths are bound to be of interest to members.

Request For Date(s)

8. It would be helpful if members could identify dates that would be suitable for an initial consultation event. Ideally this would be during working hours and can be hosted at County Hall.
9. If this couldn't be agreed, an evening slot would be made available.
10. More details on the ROWIP are available online, including a pdf version.
https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2015/12/8/leics_rowip2.pdf

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