



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 18 June 2026 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr E. Walters (Tel: 0116 3052583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. R. Bailey CC	Mr. J. McDonald CC
Mr. S. L. Bray CC	Mr. J. Miah CC
Mr. M. H. Charlesworth CC	Mr. P. Morris CC
Mr. D. A. Gamble CC	Mr. B. Piper CC
Mr. D. J. Grimley CC	Mr. K. Robinson CC
Mrs. K. Knight CC	Mr. B. Walker CC
Mr. B. Lovegrove CC	

**Please note: this meeting will be filmed for live or subsequent broadcast via You Tube
https://www.youtube.com/playlist?list=PLrIN4_PKzPXjar7IOtLtNZvlwZ4xT_8yU
– Notices will be on display at the meeting explaining the arrangements.**

AGENDA

Item

1. Election of Chairman.
2. Election of Deputy Chairman.
3. Minutes of the meeting held on 19 March 2026. (Pages 3 - 6)
4. Question Time.
5. Questions asked by Members under Standing Order 7(3) and 7(5).
6. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
7. Declarations of interest in respect of items on the agenda.



8. Presentation of petitions under Standing Order 33.

Reports of the Director of Environment and Transport on Public Footpaths.

9. Application for a Public Path Diversion Order - Proposed diversion of public footpath P12 (Part) at Butt Lane, Blackfordby. (Pages 7 - 56)
10. Any other items which the Chairman has decided to take as urgent.
11. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 19 March 2026.

PRESENT

Mr. J. McDonald CC (in the Chair)

Mr. R. Bailey CC

Mrs. L. Danks CC

Mr. D. J. Grimley CC

Mrs. K. Knight CC

Mr. B. Lovegrove CC

Mr. P. Morris CC

Mr. K. Robinson CC

Mr. B. Walker CC

42. Minutes of the previous meeting.

The minutes of the meeting held on 11 September 2025 were taken as read, confirmed and signed.

43. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 32.

44. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7.

45. Urgent items.

There were no urgent items for consideration.

46. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities.

No declarations were made.

47. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 33.

48. 2025/01170/07 (2025/VOCM/0113/LCC): Breedon Trading Ltd - Variation of condition 4 of planning permission 96/0139/07 in order to revise the working scheme for Cloud Hill

Quarry due to the proposed southern extension - Cloud Hill Quarry, Stocking Lane DE73 8AN

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 7', is filed with these minutes. The Board was also in receipt of an addendum report which set out proposed amendments to the planning conditions as a result of ongoing discussions and a late representation which had been received from the applicant.

In accordance with the procedures for making representations to the Board, the local member Mr. M. Squires CC spoke in support of the application, and Liam Toland (Kedd Ltd) spoke on behalf of the applicant.

In response to a question from a member, it was clarified that Liaison Committees were usually secured by way of a Section 106 Agreement. However, there was already a Liaison Committee in place for both Cloud Hill Quarry and Breedon Quarry secured by way of a Section 106 Agreement relating to the Breedon Quarry site. Therefore, it was advised that no separate Section 106 Agreement was required for the Cloud Hill Quarry application and the Liaison Committee could be secured by way of planning conditions.

RESOLVED:

That the application be permitted subject to the conditions set out in Appendix A, as amended by the Addendum report dated 19th March 2026.

49. Delegated Planning Decisions Schedule July 2025 - December 2025.

The Board considered a report of the Director of Environment and Transport regarding delegated planning decisions issued between 1 July 2025 and 31 December 2025, a copy of which, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

50. Delegated Enforcement Notices Schedule July 2025 - December 2025

The Board considered a report of the Director of Environment and Transport which set out the delegated Enforcement Notices issued between 1 July 2025 and 31 December 2025. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

A member requested that in future the Board be kept informed of the outcome of enforcement notices. In response it was agreed that a note of the outcomes would be included in the delegated planning decisions schedule which came to the Board on a quarterly basis.

RESOLVED:

That the contents of the report be noted.

51. List of Delegated Tree Preservation Order Decisions July 2025 to December 2025.

The Board considered a report of the Director of Environment and Transport which set out the delegated Tree Preservation Order decisions made between 1 July 2025 and 31 December 2025. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

52. Chairman's announcements.

The Chairman confirmed that the next meeting of the Board would take place on Thursday 23 April 2026 at 2.00pm.

The Chairman also advised that there was a Board meeting scheduled for Thursday 28 May 2026 but it had been noted that this was during the half-term school holidays therefore consideration was being given to changing the date of this meeting. Members would be notified in due course of any changes.

2.00 - 2.27 pm
19 March 2026

CHAIRMAN

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DEVELOPMENT CONTROL AND REGULATORY BOARD

18 JUNE 2026

**APPLICATION FOR A PUBLIC PATH DIVERSION ORDER -
PROPOSED DIVERSION OF PUBLIC FOOTPATH P12 (PART) AT BUTT
LANE, BLACKFORDBY WITHIN THE PARISH OF ASHBY DE LA
ZOUCH**

**REPORT OF THE DIRECTOR OF GROWTH, ENVIRONMENT AND
TRANSPORT**

PART A

Purpose of the Report

1. The purpose of this report is to seek determination of an application made by Mr and Mrs Jarvis to divert part of Public Footpath P12 at Butt Lane, Blackfordby in the Parish of Ashby De La Zouch, as shown on Plan No. 2575(P) attached as Appendix A to this report.
2. Under the proposal, Public Footpath P12 would be diverted from the route A-B and C-D-E to the route F-G-B and C-H-I-E shown on the plan.

Recommendation

3. It is recommended that an Order be made under Section 119 of the Highways Act 1980 to divert Public Footpath P12 (Part) at Butt Lane, Blackfordby as shown on Plan No. 2575(P) appended to this report.

Reasons for Recommendation

4. The application to divert Public Footpath P12 satisfies the relevant statutory criteria set out under Section 119 of the Highways Act 1980. It is expedient in the interests of the landowners to divert the path. The effect of the Order does not alter the termination point at point E on the plan. In relation to the route connecting to Butt Lane, at Point F, the report concludes that this is as convenient and would not have a significant negative effect on public enjoyment of the path as a whole.

Circulation under the Local Issues Alert Procedure

5. This report has been sent to Mr. D. Harrison CC (Ashby De La Zouch).

Officer to Contact

Edwin McWilliam, Access Manager
Growth, Environment and Transport Department
Tel: 0116 305 7086
Email: footpaths@leics.gov.uk

PART B

Background

6. In July 2020, the Council received an application from Mr and Mrs Jarvis of 200 Butt Lane, Blackfordby to divert the part of Public Footpath P12 which currently runs through their garden, to run along an alternative route, also on land stated to be in their ownership, which the public are currently using as an alternative to the legal line.
7. The reason given for making the application is to resolve the anomaly whereby the line of the used path is not in accordance with the Definitive Map. The property has been in place for many decades.
8. Following submission of the application in 2020 protracted discussions with an adjoining landowner regarding landownership boundaries have taken place. A new housing estate has been developed north of the property and the diversion application has been extended to include the section of footpath constructed. A copy of the application form, plan and associated correspondence is attached as Appendix B.

Site Inspections

9. The most recent site inspection to the proposed diversion of Public Footpath P12 was undertaken on 11 February 2025. Photographs from the site inspection are attached as Appendix C.

Legal Considerations

10. The Highway Authority must have regard to the legal considerations set out in Section 119 of the Highways Act 1980 as detailed below.

Highways Act 1980 (Section 119)

11. The primary criteria which must be met before a Highway Authority makes a public path diversion order are as follows:
 - a) Before making an order, the Authority must be satisfied that it is expedient to divert the path in the interests of the public or the owner, lessee or occupier of the land crossed by the path.
 - b) The Authority must also be satisfied that the diversion order does not alter any point of termination of the path, other than to another point on the same path, or another highway connected with it, and which is substantially as convenient to the public. Nor can the termination be altered where this is not on a highway (i.e. cul-de-sac).
 - c) Before confirming an order, the Authority or the Secretary of State must be satisfied that:
 - i) The diversion is expedient in the interests of the person(s) stated in the order,

- ii) The path will not be substantially less convenient to the public as a consequence of the diversion,
- iii) It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path as a whole, on other land served by the existing path and on land affected by any proposed new path, taking account the provisions for compensation.

12. An authority has the discretion not to make an order if it does not consider that the statutory criteria to enable it to confirm the order can be met.

Objections/Representations with Officer's Comments

13. Preliminary consultations were carried out between 4 July 2025 and 15 August 2025. Utility companies, user groups, adjoining landowners, North West Leicestershire District Council and Ashby Town Council were consulted by letter or email.
14. One objection was received from Platt White Partnership appointed by Mr Ball of 116 Butt Lane, Blackfordby dated 28 August 2025 and one objection was received from Mr Ball directly dated 29 August 2025. The main points raised in the representations/objections received during preliminary consultation are outlined in paragraphs 15 to 30 below.

R.B. Sunderland of Platt White Partnership on behalf of Mr Ball of 116 Butt Lane, Blackfordby – 28 August 2025

15. The full comments of R.B Sutherland are attached as Appendix D to this report and are summarised with officers' comments in paragraphs 16 to 20 below.
16. **Legal Line of Public Footpath P12** – Mr Sunderland is of the opinion that Public Footpath P12 is shown incorrectly on the Definitive Map for the part of the footpath that goes through Mr Ball's property, stating that the angle of the path has altered by approximately 2.5 degrees compared to the 1957 Definitive Map. Also, that the base mapping used on Preliminary Consultation Plan Number 2575(P) is unreliable and inaccurate.
17. The Definitive Map provides conclusive evidence in a court of law of the location of a Public Right of Way. Any person can challenge the information shown on the Definitive Map by making an application to the County Council for a Definitive Map Modification Order. This has been explained to Mr Ball previously. The base mapping used for the Preliminary Consultation Plan 2575(P) was provided by the Ordnance Survey. Any challenge to the accuracy of the legal line shown on the Definitive Map would need to be pursued by way of a Definitive Map Modification Order and is not a matter to be determined as part of this diversion application, it has however been thoroughly checked on several occasions by the Senior Access and Development Officer who is responsible for keeping the Definitive Map up to date, and the legal line of Public Footpath was found to be accurate.
18. **Application Form Declaration** – Mr Sunderland refers to the declaration below which is included on the signed diversion application form. Mr Sunderland states that the declaration made by the applicant is false.

I/we declare that the Right(s) of Way to be diverted/extinguished is/are in no way obstructed and that it is/they are fully available to the public and I/we undertake that it/they shall in no way be obstructed before the Order is confirmed.

19. This declaration should have been crossed out by the applicant before signing the application form, however this was not done. The applicants, the Highway Authority and the objector are aware of the current obstruction. The Preliminary Consultation email which was distributed to all consultees also stated that the reason for the diversion was to resolve a long-standing obstruction, making them aware of the current situation.
20. There is no legal requirement for a Public Right of Way to be free from obstruction in order for a diversion application to be processed or for an Order to be made. Any proposed diversion must satisfy the statutory criteria set out in the legislation referred to in paragraph 11 above, and this assessment must be carried out on the basis that the existing definitive legal line of the public footpath is open and available for use.

Mr Ball of 116 Butt Lane, Blackfordby – 29 August 2025

21. The full comments of Mr Ball are attached as Appendix E to this report and are summarised with officer comments in paragraphs 22 to 30 below.
22. **Link to Surfaced Path through Housing Development** - Mr Ball states that it appears that because the new path has been constructed on the development then it should adjoin the diverted path. When new estates are designed it is sometimes beneficial to move existing footpaths to provide integrated development with good access. Weight in favour of these types of changes is added to a planning application in those circumstances provided they follow the prescribed route. The process has not been adhered to in this case.
23. The application to divert Public Footpath P12 pre-dates the planning of the development. When the Planning Application for the development was submitted the Highway Authority advised the developer of the proposed diversion route, formalising the route being walked by the public. The developer surfaced a path which links into the walked path on the ground as it was anticipated that the diversion would have been finalised before the development was constructed. The proposed route to be surfaced was included in planning documentation submitted to the planning authority and available for consultation.
24. Should the diversion application be unsuccessful any surfacing, signage and furniture associated with the route currently being walked will be removed and the legal line made available for the public to use.
25. **Existing Waymarkers and Stile on unofficial footpath** – Mr Ball states that waymarkers and a stile have been directing walkers onto the unofficial route which is misleading.
26. The anomaly between the legal line of Public Footpath P12 was first brought to the attention of the authority in 2018. Before this date, a stile and a waymark post had been erected on the unofficial footpath. No representations were received during or after its installation. The stile has since been removed as it was no longer required, the waymark post has remained in situ to guide the public around the garden obstruction.

Should the diversion application be unsuccessful the waymark post will be removed and relocated onto the legal line of the Public Footpath.

27. **Steps taken to reinstate legal line** – Mr Ball states that no steps have been taken to have the footpath restored on its definitive line.
28. When the Authority was made aware of the anomaly between the legal line and walked line of Public Footpath P12 in the vicinity of 200 Butt Lane, the landowners were contacted to make them aware of the situation. In these instances, the Authority takes a pragmatic and fair-minded approach to request that the landowner makes an application to divert the public right of way if a suitable alternative is available. The landowner expressed an interest in applying for a diversion of the Public Footpath onto the route being walked and submitted an application in 2020. The applicant is aware that should the diversion application be unsuccessful, the legal line of the Public Footpath will need to be reinstated.
29. **Landownership** - Mr Ball states that he owns a section of land over which the proposed diverted route will run.
30. Landownership parcels within the vicinity of the diversion are challenging to define due to the number of changes which have occurred and the quality of the Land Registry documents. Both Mr Ball and the applicants have been advised to discuss the land boundary dispute as a private matter between themselves, the diversion application was previously put on hold whilst discussions were undertaken. No agreement was forthcoming and in June 2025 the applicant requested that the Authority proceeds with the diversion application. The applicant is aware of the indemnification clause on the application form set out below. The purpose of the clause within the application form is for circumstances such as this.

That you/your client will indemnify the County Council against any claim which may be made for compensation, as provided by Section 28 of the Highways Act 1980. Claims may be made if it can be shown that the value of a person's interest in land has depreciated, or that a person has been disturbed in his enjoyment of land, as a consequence of the coming into operation of a Public Path Diversion Order. However, it is unlikely that a claim would be forthcoming if the written agreement of all the owner(s) and occupier(s) of the land has been sought. Note:- this indemnification only applies to diversion Orders made under section 119 of the Highways Act 1980.

Views of the Local Member

31. The Local Member, Mr. D. Harrison CC, has been consulted on the proposal. Following a meeting with the Access Manager, Mr Harrison requested that the application be considered by the Development Control and Regulatory Board.

Financial Implications

32. The diversion of a public right of way onto land not in the ownership of the applicant may give rise to a claim for compensation pursuant to section 28 of the Highways Act 1980, as applied by s121(2) of that Act. A claim may be made if it is shown that the value of an interest of a person in land is depreciated, or that person has suffered damage by being disturbed in his enjoyment of land, in consequence of the making and confirmation of a diversion order. Section 119 (5) of the Act provides that before determining to make a public path diversion order the council may require the

applicant to enter into an agreement to defray, or make such contribution as may be specified in the agreement, towards compensation which may become payable, expenses incurred to bring the new path into a fit condition for use by the public, or where the council are not the highway authority any expenses that may become recoverable by the authority under section 27(2) of the Act.

33. The applicant has agreed as part of the application to indemnify the County Council in relation to any claim for compensation.
34. Part of the proposed alternative route for the public footpath is already being walked by the public and has been for a number of years and part has been constructed as part of the housing development, therefore no substantial works are required to bring the proposed alternative route up to a suitable standard and there are no financial implications for the Authority.

Equality and Human Rights Implications

35. The E.U. Convention Rights and the Articles that set out the rights of individuals (such as respect for family life) can impact on certain decisions where the County Council is making decisions or setting policy of public access and Rights of Way issues. However, this impact is confined to the exercise of those powers and functions the County Council has to exercise discretion about proposals that require a balance between the benefits of the scheme and the potential adverse implications for landowners and others.
36. Proposals by the County Council to divert a Right of Way, or to use statutory powers to compulsorily create a new Right of Way, should have reference to the Convention of Human Rights and take these issues into account when deciding if that scheme should proceed.
37. However, applications submitted to the County Council under Section 119 of the Highways Act 1980 must be determined by reference to the statutory tests set out in that section. Human rights considerations may be relevant to the exercise of the Authority's functions but objections based solely on a potential interference with Article rights are unlikely, without more, to determine whether the statutory criteria for making the Order are met.

Conclusion

38. The Authority must have regard to the legal considerations set out in Section 119 of the Highways Act 1980.
39. The Authority must be satisfied that it is expedient to divert the footpath in the interest of the owner, lessee or occupier of land crossed by the path or way or of the public.
40. Part of the Public Footpath to be diverted by this application currently runs through the garden of number 200 Butt Lane and has done for many years. The diversion regularises the situation on the ground where the public have walked around the garden of the property. The remaining part of the footpath to be diverted regularises the legal line of the Public Footpath with the surfaced route constructed through the housing development.

41. A public path diversion order should not alter a point of termination of the path or way – a) if that point is not on a highway; or b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.
42. As shown on Plan No. 2575(P), the proposed diversion route will terminate on Butt Lane rather than Hepworth Road. This is the point where the Public Footpath meets the Public Highway and where, before the housing development was constructed, there was access to the footpath from Butt Lane via a stile. Butt Lane is a Public Highway which is connected to Hepworth Road and is substantially as convenient to the public for the purposes of Section 119. The termination of the diversion route at the rear of 200 Butt Lane remains the same. The proposed alternative route for the Public Footpath is not considered to be substantially less convenient as it is approximately 16 metres shorter in length and utilises a route which is currently being walked as an alternative to the legal line.
43. Finally, the Authority should not confirm the Order unless it is satisfied that it is expedient to Confirm the Order having regard to the effect which (a) the diversion would have on public enjoyment of the path or way as a whole; (b) the coming into operation the order would have as respects other land served by the existing public right of way; and (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
44. Addressing the points in turn, the report explains at paragraph 40 why the diversion is considered expedient in the interests of the landowners, and at paragraph 42 why the proposed alternative route is not considered substantially less convenient to the public.
45. It is not considered that there will be any negative effects on the enjoyment of the path as a whole. As previously stated, the public are already using the proposed diversion route as an alternative to the legal line adjacent to number 200 Butt Lane and the newly constructed path through the development.
46. The ownership of a strip of land, located at approximately Point E on Plan No. 2575(P), is being contested by an adjacent landowner whose land extends behind the neighbouring property “Brecon”. The owners of number 200 Butt Lane, who are the applicants, are confident that the land in question is within their ownership and they have signed the diversion application form which includes the indemnification clause indemnifying the County Council against any possible compensation claim.
47. The criteria for making an Order under Section 119 of the Highways Act 1980 to divert part of Public Footpath P12 at Butt Lane, Blackfordby have been met but there are unresolved representations / objections arising from the preliminary consultations. The objections, however, are not considered to raise matters which would prevent the Authority from being satisfied that the statutory criteria for making the Order are met.

Recommendation

48. It is recommended that an Order be made under Section 119 of the Highways Act 1980 to divert part of Public Footpath P12 at Butt Lane, Blackfordby in the Parish of Ashby De La Zouch, as shown on Plan No. 2575(P) attached.

Appendices

Appendix A – Plan Number 2575(P) Proposed Diversion of Public Footpath P12 (Part) at Butt Lane, Blackfordby.

Appendix B – Application Form, Application Plan and associated correspondence

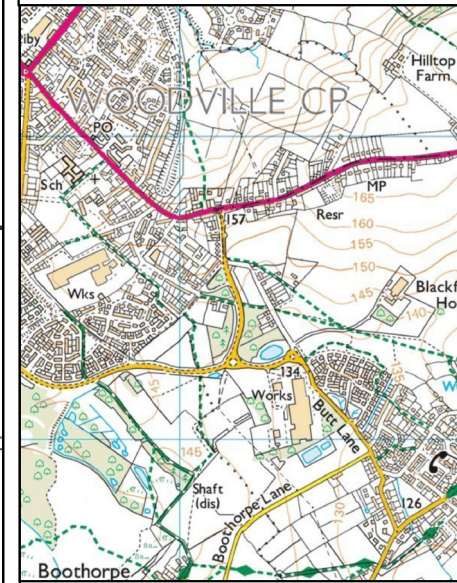
Appendix C – Photographs of Proposed Alternative Footpath 11 February 2025

Appendix D – Objection from R.B. Sunderland of Platt White Partnership 28 August 2025




Appendix E – Objection from Mr Ball of 116 Butt Lane, Blackfordby 29 August 2025

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Location Plan



Key

-  Public Footpath to be Diverted (A-B) and (C-D-E)
-  Alternative Public Footpath (F-G-B) and (C-H-I-E)
-  Unaffected Public Footpaths

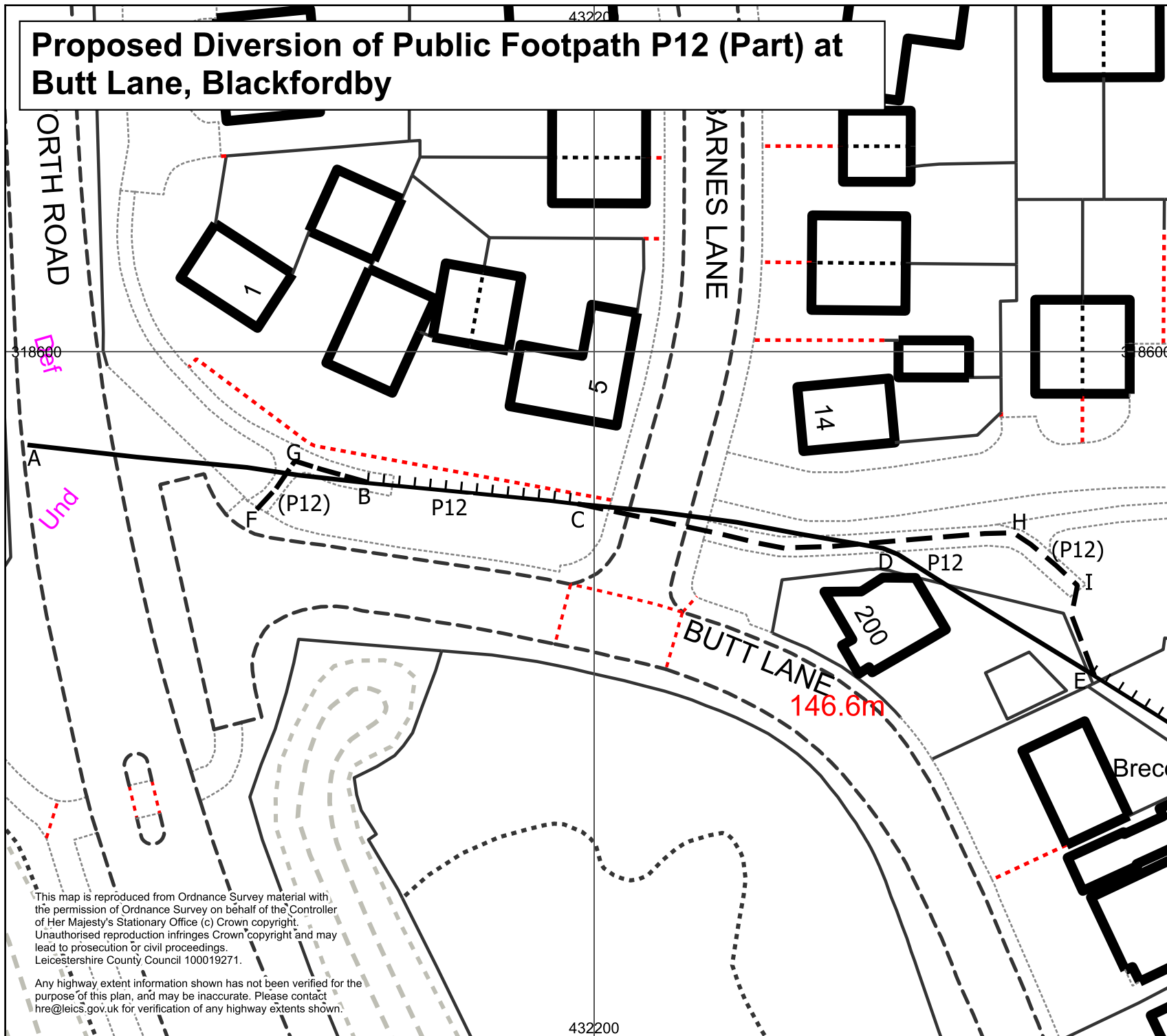
Environment & Transport Dept,
 County Hall, Glenfield,
 Leicestershire LE3 8RJ
 Email footpaths@leics.gov.uk
 Director Ann Carruthers



Plan No.2575 (P)

Scale 1:500

Proposed Diversion of Public Footpath P12 (Part) at Butt Lane, Blackfordby



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Any highway extent information shown has not been verified for the purpose of this plan, and may be inaccurate. Please contact hre@leics.gov.uk for verification of any highway extents shown.

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**APPLICATION FOR THE DIVERSION/EXTINGUISHMENT
OF PUBLIC RIGHTS OF WAY**

This form should be used to apply to Leicestershire County Council for the Diversion or Extinguishment of Public Rights of Way in Leicestershire.

Leicestershire County Council is the competent authority to make Orders under:-

- a) The Town and Country Planning Act 1990:- Where the County Council has issued the relevant planning permission.
- b) The Highways Act 1980:- Where landowners wish to alter rights of way on their land, or any other person or organisation would like the authority to create a new path. (An application under this Act may also be submitted to the appropriate District Council).
- c) Wildlife and Countryside Act 1981. If you consider that a right of way should be added to the Definitive Map or should not have been shown at all or has a different status, and you have documentary evidence to support this, then do not use this form. Please contact a member of the Rights of Way Service in the Environment & Transport Department on Leicester 0116 305 7087, who will arrange for the appropriate forms to be sent to you.

Please complete the following questions:-

1. Name and address of applicant. (Please include email address)

MR + MRS JARVIS
200 Butt Lane Blackfordby
Swadincote DE11 8BH.
anniejarvis7@aol.com

2. Details of the Public Right(s) of Way

- a) The Village/Town or place where the Right(s) of Way is/are situated.

Blackfordby.

- b) Status of Right of Way (i.e. Footpath/Bridleway).

Footpath

- c) Name or number of the Right(s) of Way (if known).

P12

3. Type of Order required – Diversion/Extinguishment (delete as appropriate)

Diversion.

4. Description of existing route(s).

see map

5. Description of alternative route(s) (if appropriate).

See map

6. If applying for a temporary Order under the provisions of the Town & Country Planning Act 1990 for what period of time do you wish it to last?

7. Reason for making the application:-

The line of the existing footpath is not in accordance with the definitive map.

8. Names and address of **ALL** the owners(s)/ occupier(s)/tenant(s) of **All** of the land affected by the proposal, including the existing and alternative routes (if appropriate).

Mr + Mrs Jarvis
200 Butt Lane Blackfordby
Swadlincote DE11 8BH.

9. Names and addresses of any user organisation(s) you have approached, (Please attach copies of any responses).

None.

TO ENABLE THE COUNTY COUNCIL TO BEGIN PROCESSING YOUR APPLICATION, THE FOLLOWING INFORMATION WILL NEED TO BE SUPPLIED

A plan (scale 1:1250 or 1:2500) showing the existing and alternative route(s) clearly marked. An Ordnance Survey extract can be supplied by the County Council for this purpose by contacting the Rights of Way Service within the Environment & Transport Department on Leicester 0116 305 7087.

YOU ARE ALSO REQUIRED TO CONFIRM:-

10. That you/your client own(s) all of the land affected by the proposal. If you do not own any or all of the land concerned, you must supply the County Council with the written agreement of any owner(s)/occupier(s)/tenant(s) of the land.
11. That you/your client will pay the costs involved in processing the application. The administration charge is £1,250 plus a further £80 for each additional path included in the Order. The cost of advertising is also payable by the applicant(s). If the application is not finally approved, or is withdrawn by you/your client at any stage, you/your client will be required to pay the costs to date.
12. That you/your client will indemnify the County Council against any claim which may be made for compensation, as provided by Section 28 of the Highways Act 1980. Claims may be made if it can be shown that the value of a person's interest in land has depreciated, or that a person has been disturbed in his enjoyment of land, as a consequence of the coming into operation of a Public Path Diversion Order. However, it is unlikely that a claim would be forthcoming if the written agreement of all the owner(s) and occupier(s) of the land has been sought. Note:- this indemnification only applies to diversion Orders made under section 119 of the Highways Act 1980.

DECLARATION

I/we declare that the Right(s) of Way to be diverted/extinguished is/are in no way obstructed and that it is/they are fully available to the public and I/we undertake that it/they shall in no way be obstructed before the Order is confirmed.

I/we confirm ~~my~~/our agreement to points 10, 11 and 12 (if appropriate).

Signed _____

Date _____

14/7/20

Any information you provide will be used in accordance with current data protection regulations and other relevant legislation. Please send your completed application form, together with the above additional information to - **The Safe and Sustainable Travel Team, Environment & Transport Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RJ.**

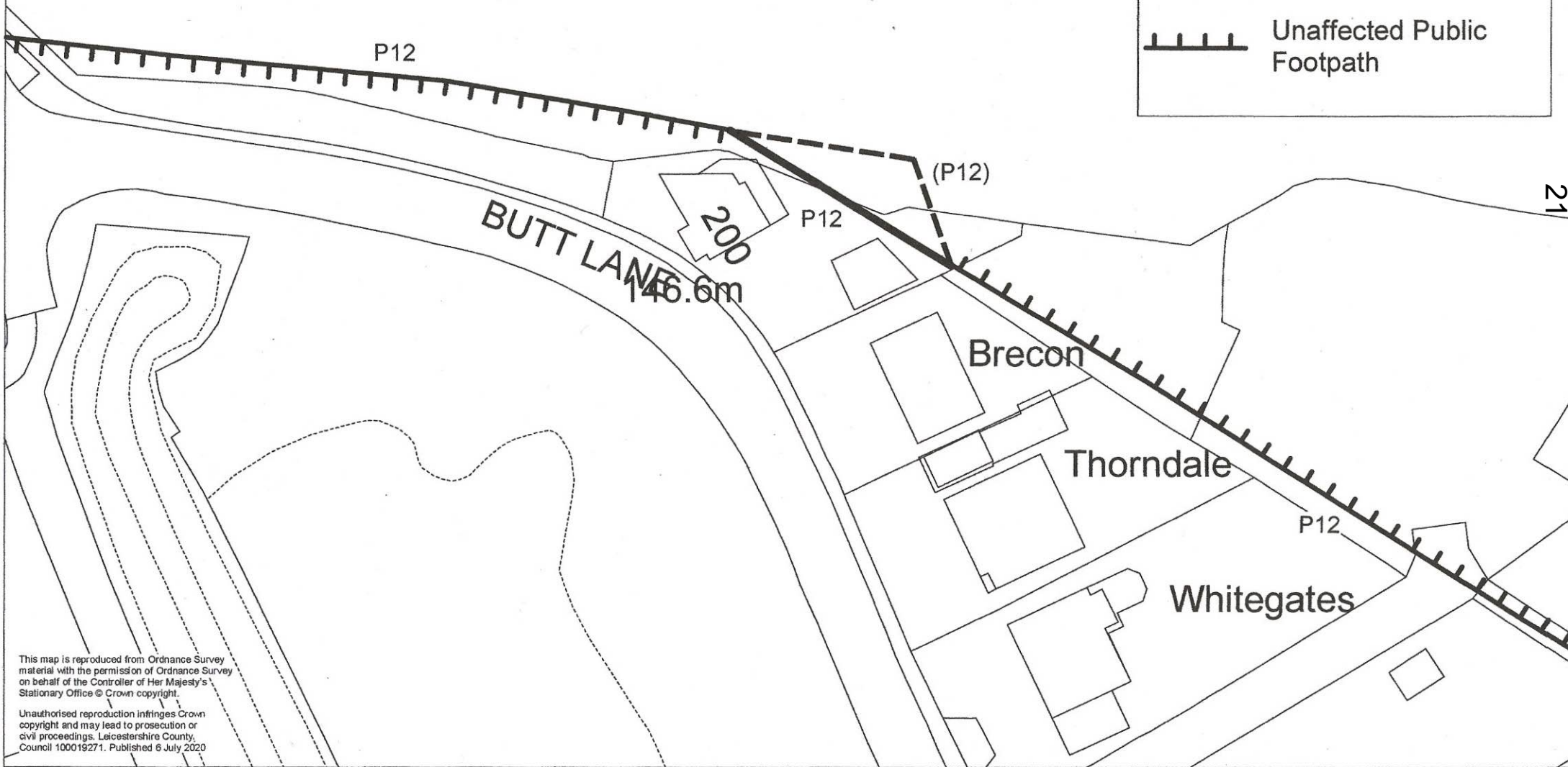
Proposed Diversion of Public Footpath P12, Blackfordby

Scale 1:500

Public Footpath to be Diverted

Proposed Alternative Footpath

Unaffected Public Footpath



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Samantha Ireson

From: Samantha Ireson
Sent: 12 February 2025 14:04
To: Lewis.Pritchard@owlhomes.co.uk; Clare.Mellor@owlhomes.co.uk;
'richard.holland@owlhomes.co.uk'
Subject: Proposed Diversion of Public Footpath P12 at Blackfordby
Attachments: 2575 Diversion Proposal Plan February 2025.pdf; 20250211_095812.jpg

Good afternoon all,

Thank you for the useful meeting we had on 28th January 2025 to discuss the proposed diversion of Public Footpath P12 in the vicinity of Butt Lane.

I have attached for your information and consideration a Plan showing the proposed diversion of the Public Footpath. As discussed during the meeting the purpose of the diversion is to rectify the anomaly in relation to 200 Butt Lane and to divert the footpath onto the paths which have been constructed as part of your development.

The County Council is already in receipt of a diversion application made by the residents of 200 Butt Lane so all that is required from yourselves, as an affected landowner, is a headed letter or email stating that you agree to the proposed diversion as shown on Plan "2575 Proposal"

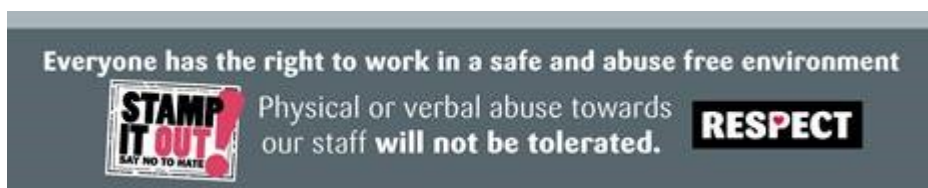
In addition, I carried out a site visit to the footpath this week and noticed that the section approximately between B and C on the attached plan has not been constructed with a tarmacadam surface, as required by Planning, and the legal line of the footpath has also been obstructed by a streetlight. I have attached a photo for your information. I would be grateful if you could let me know what the plan is for the footpath at this location please.

I look forward to hearing from you, if you have any questions, please do not hesitate to contact me.

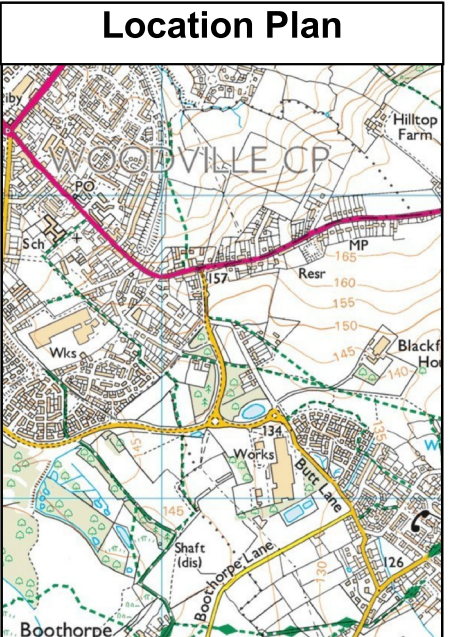
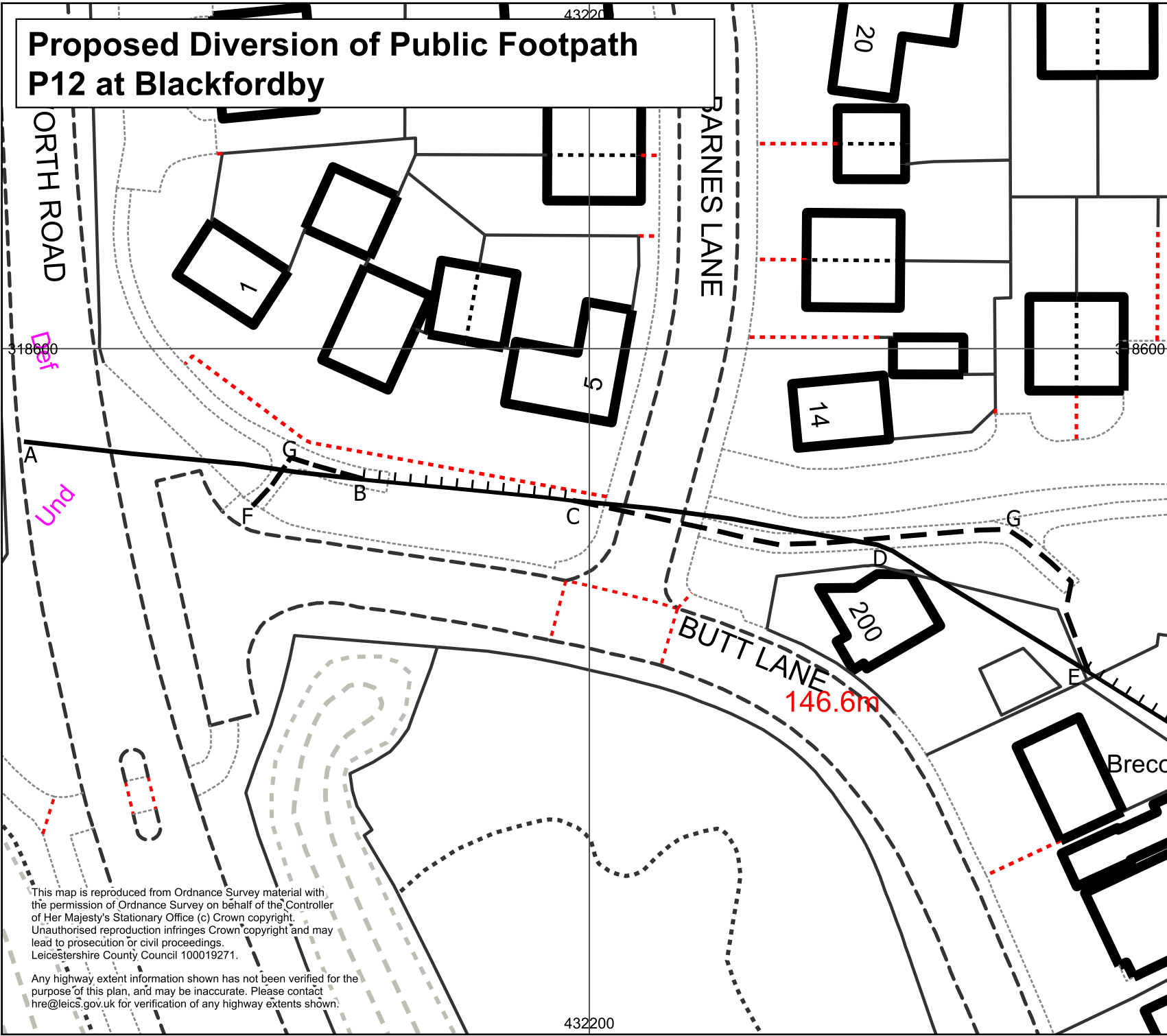
Kind Regards

Samantha Ireson
Senior Access and Development Officer
Public Rights of Way
Sustainable Travel Team
Leicestershire County Council




0116 305 0001



Proposed Diversion of Public Footpath P12 at Blackfordby



Key

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

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



**Leicestershire
 County Council**

2575 Proposal
 Scale 1:500

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Samantha Ireson

From: Clare Mellor <Clare.Mellor@owlhomes.co.uk>
Sent: 23 April 2025 09:46
To: Samantha Ireson
Cc: Richard Holland
Subject: RE: Proposed Diversion of Public Footpath P12 at Blackfordby

Follow Up Flag: Follow up
Flag Status: Flagged

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Morning Samantha

Apologies for the delayed response, Lewis has now left the business, so I have been catching up with everything.

We have no issues in the revised PROW route as it follows our new site footpaths.

I have asked our construction team for an update on the missing part in front of our show home and as soon as I have an update, I shall let you know.

Kind Regards
Clare

From: Samantha Ireson <Samantha.Ireson@leics.gov.uk>
Sent: 25 March 2025 10:02
To: Lewis Pritchard <Lewis.Pritchard@owlhomesuk.onmicrosoft.com>; Clare Mellor <Clare.Mellor@owlhomes.co.uk>; Richard Holland <richard.holland@owlhomes.co.uk>
Subject: FW: Proposed Diversion of Public Footpath P12 at Blackfordby

Good morning all,

I sent the below email and attachments to you on the 12th February 20205 but unfortunately I do not appear to have received a response.

I would be grateful if you could consider the contents of the email and provide me with an update on the current situation please.

Kind Regards

Samantha Ireson
Senior Access and Development Officer
Public Rights of Way
Sustainable Travel Team
Leicestershire County Council

0116 305 0001



From: Samantha Ireson

Sent: 12 February 2025 14:04

To: Lewis.Pritchard@owlhomes.co.uk; Clare.Mellor@owlhomes.co.uk; 'richard.holland@owlhomes.co.uk' <richard.holland@owlhomes.co.uk>

Subject: Proposed Diversion of Public Footpath P12 at Blackfordby

Good afternoon all,

Thank you for the useful meeting we had on 28th January 2025 to discuss the proposed diversion of Public Footpath P12 in the vicinity of Butt Lane.

I have attached for your information and consideration a Plan showing the proposed diversion of the Public Footpath. As discussed during the meeting the purpose of the diversion is to rectify the anomaly in relation to 200 Butt Lane and to divert the footpath onto the paths which have been constructed as part of your development.

The County Council is already in receipt of a diversion application made by the residents of 200 Butt Lane so all that is required from yourselves, as an affected landowner, is a headed letter or email stating that you agree to the proposed diversion as shown on Plan "2575 Proposal"

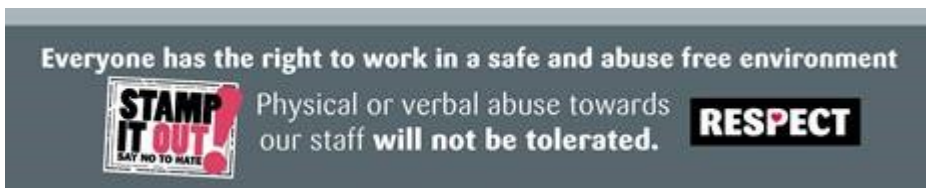
In addition, I carried out a site visit to the footpath this week and noticed that the section approximately between B and C on the attached plan has not been constructed with a tarmac surface, as required by Planning, and the legal line of the footpath has also been obstructed by a streetlight. I have attached a photo for your information. I would be grateful if you could let me know what the plan is for the footpath at this location please.

I look forward to hearing from you, if you have any questions, please do not hesitate to contact me.

Kind Regards

Samantha Ireson
Senior Access and Development Officer
Public Rights of Way
Sustainable Travel Team
Leicestershire County Council

0116 305 0001



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Samantha Ireson

From: Samantha Ireson
Sent: 20 June 2025 12:23
To: [REDACTED]
Subject: Public Footpath P12 Blackfordby
Attachments: P12 Blackfordby Diversion Application.pdf; 2575 Diversion Proposal Plan February 2025.pdf

Good morning Mr Jarvis,

It was good to speak to you on the phone yesterday to chat about Public Footpath P12 at Blackfordby.

As mentioned unfortunately I am unable to get involved in the land boundary dispute between yourself and your neighbour and I recommend you obtain legal advice if possible.

With regards the proposed diversion of the Public Footpath, I have attached a copy of the original application form which you completed in 2020 and a copy of the proposed diversion plan. I would be grateful if you could consider the proposed diversion shown on the plan and check that you are happy with the proposed route.

I would also be grateful if you could consider the indemnity at paragraph 12 of the application form regarding compensation.

If you are still happy to proceed with the diversion as shown on the attached plan, I would be grateful if you could email me back stating:

You wish to proceed with the proposed diversion of Public Footpath P12 as shown on "Plan No. 2575 Proposal" and you own the triangle of land which is affected by the proposed diversion.

The remainder of the proposed diversion is on land in the ownership of Owl Homes and they have submitted their agreement to the proposal.

I look forward to hearing from you if you have any queries please feel free contact me either via this email address or my direct number is 0116 305 7088.

Kind Regards

Samantha Ireson
Senior Access and Development Officer
Public Rights of Way
Sustainable Travel Team
Leicestershire County Council

0116 305 0001



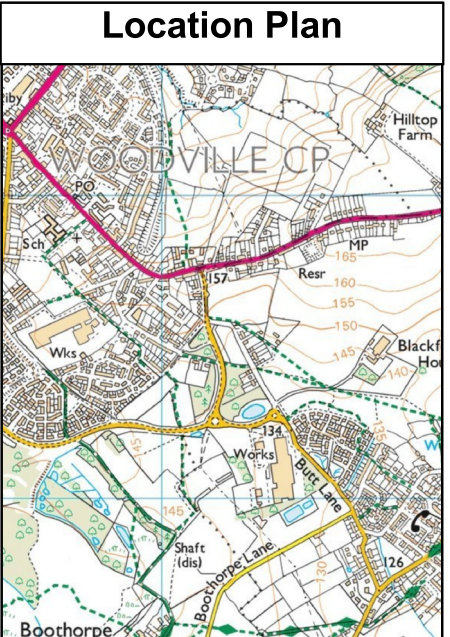
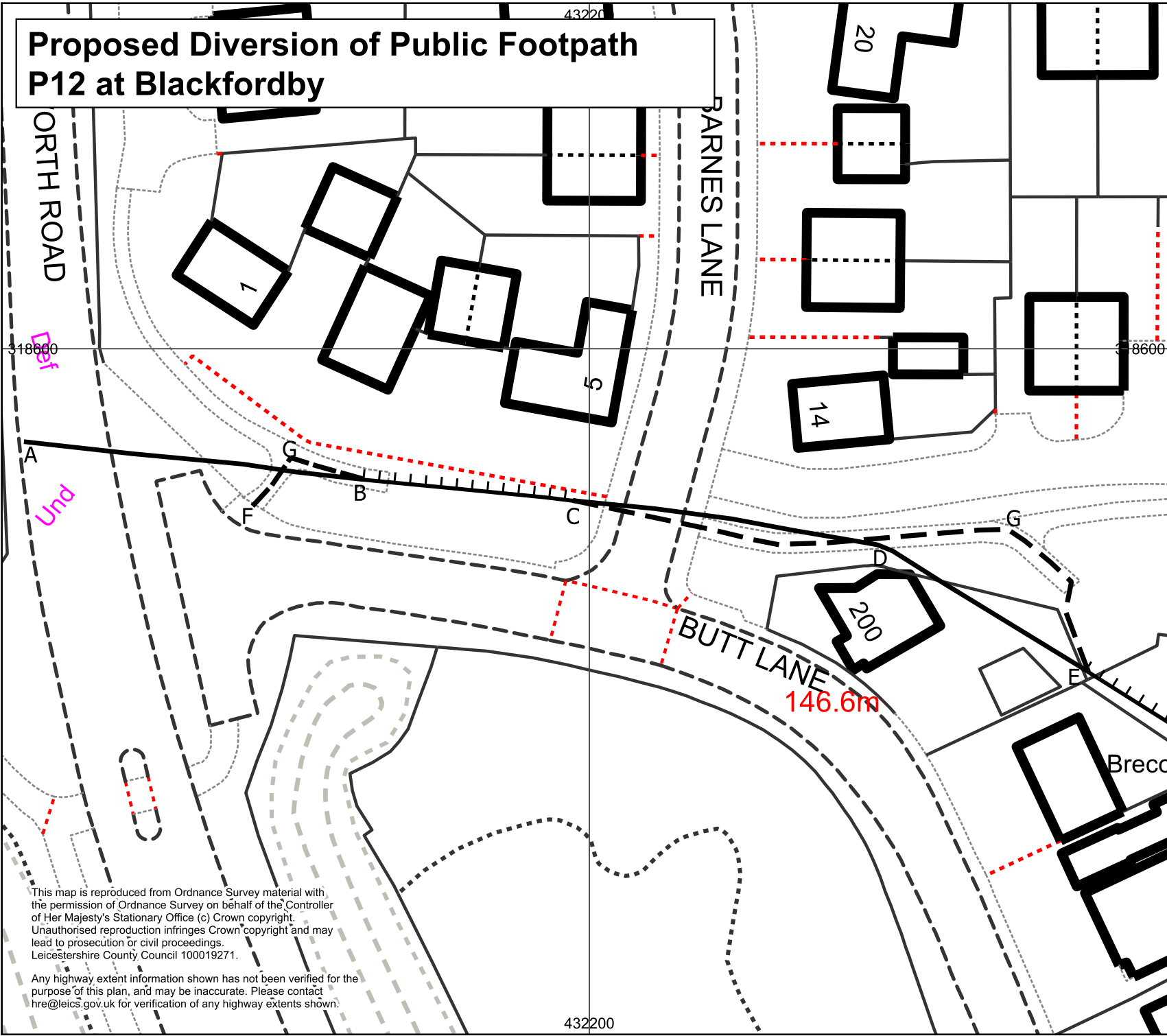
Everyone has the right to work in a safe and abuse free environment






Physical or verbal abuse towards our staff **will not be tolerated.**

RESPECT

Proposed Diversion of Public Footpath P12 at Blackfordby



Key

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

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



**Leicestershire
 County Council**

2575 Proposal
 Scale 1:500

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Samantha Ireson

From: peter jarvis [REDACTED]
Sent: 23 June 2025 08:53
To: Samantha Ireson
Subject: Re: Public Footpath P12 Blackfordby 230625

Follow Up Flag: Follow up
Flag Status: Flagged

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Good morning Samantha,
Thankyou for ringing me and explaining the process regarding the proposed diversion plan. As stated in years gone past I am happy for you to proceed with the diversion as outlined on the plan: Public Footpath P12. Plan No. 2575.
I hope we can take this forward as quickly as possible so we can negate issues with aforementioned neighbour.
Many thanks again,
Kind regards,
Pete & Ann Jarvis.
Sent from my iPad

On 20 Jun 2025, at 12:23, Samantha Ireson <Samantha.Ireson@leics.gov.uk> wrote:

Good morning Mr Jarvis,

It was good to speak to you on the phone yesterday to chat about Public Footpath P12 at Blackfordby.

As mentioned unfortunately I am unable to get involved in the land boundary dispute between yourself and your neighbour and I recommend you obtain legal advice if possible.

With regards the proposed diversion of the Public Footpath, I have attached a copy of the original application form which you completed in 2020 and a copy of the proposed diversion plan. I would be grateful if you could consider the proposed diversion shown on the plan and check that you are happy with the proposed route.

I would also be grateful if you could consider the indemnity at paragraph 12 of the application form regarding compensation.

If you are still happy to proceed with the diversion as shown on the attached plan, I would be grateful if you could email me back stating:

You wish to proceed with the proposed diversion of Public Footpath P12 as shown on "Plan No. 2575 Proposal" and you own the triangle of land which is affected by the proposed diversion.

The remainder of the proposed diversion is on land in the ownership of Owl Homes and they have submitted their agreement to the proposal.

I look forward to hearing from you if you have any queries please feel free contact me either via this email address or my direct number is 0116 305 7088.

Kind Regards

Samantha Ireson
Senior Access and Development Officer
Public Rights of Way
Sustainable Travel Team
Leicestershire County Council

0116 305 0001

<image001.png>

<image002.png>

<image003.jpg>

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<P12 Blackfordby Diversion Application.pdf>

<2575 Diversion Proposal Plan February 2025.pdf>

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APPENDIX C
2575 - PROPOSED DIVERSION OF PUBLIC
FOOTPATH P12 (PART) AT BUTT LANE,
BLACKFORDBY
PHOTOS OF SITE INSPECTION
11th FEBRUARY 2025

Photo A- Start of Proposed Alternative Footpath off Butt Lane, Blackfordby



Photo B – Surfaced Alternative Footpath through Housing Development either side of Barnes Lane.



Photo C – Proposed Alternative Footpath Linking the Development to the rear of 200 Butt Lane.



Photo D – Proposed Alternative Footpath at the Rear of 200 Butt Lane.



Photo E – Proposed Alternative Footpath at the rear of 200 Butt Lane Looking Towards the Housing Development.



Office 37 Main Office
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CHI 4QL

Tel: 01244 314111

Fax: 01244 314700

E-mail: info@plattwhite.co.uk

www.plattwhite.co.uk

28th August 2025

PUBLIC FOOTPATH REF P12 BLACKFORDBY

Appointment and Brief

Platt White Partnership have been appointed by Mr M Ball of 116 Butt Lane Blackfordby, DE11 8BH to assess the position of the public footpath Ref P12 Blackfordby relative to the south west boundary of 116 Butt Lane.

This report has been prepared by Robert Benjamin Sunderland, Partner in Platt White Partnership, having been a Professional Member of the Royal Institution of Chartered Surveyors since 2002 and holding the post nominals M.R.I.C.S and (Hons), graduated with a Bachelor of Science Degree in Building Surveying in 1993.

Documents used to form opinion on the position of the footpath

1. Proposed Diversion of Public Footpath P12. (part) at Butt Lane, Blackfordby Plan number 2575 (P) scale 1:500 including location map produced by Leicestershire County Council (LCC).
2. Plan number 2575 (P) Proposed Diversion of Public Footpath P12, Blackfordby, published 6th July 2020 scale 1:500 provided by Samantha Ireson (SI) LCC on 22nd April 2024.
3. Extract from Definitive Map of Public Rights of Way for Leicestershire Public Footpath P12 Blackfordby, scale 1:10000 (LCC)
4. 1957 Definitive Map (LCC)
5. 1958 Ordinance Survey Map.
6. Aerial photograph dated 28th February 2014 overlaid with plot and boundary detail lines scale 1:500 (LCC).
7. Aerial photograph dated 12th June 2020 overlaid with plot and boundary detail lines scale 1:500 (LCC).
8. Extracts from topographical survey carried out in September 2024 by GP surveys.
9. Gov.uk. A guide to definitive maps and changes to public rights of way -2008.
10. Highways Act 1980.
11. Copy of the diversion/ extinguishment of public rights of way application for 200 Butt Lane Blackfordby dated 14/7/20.
12. Various correspondence with LCC and exchange of emails with reference to plans.



Observations.

The 1:10000 extract drawing from the definitive map has the direction of P12 marked in black dotted lines. It is noted that these lines are so large that much of the details of boundaries, plots and road formation are hidden at the scale produced. However, it has been confirmed that the 1:10000 extract is an accurate copy of the 1957 map (SI 24/6/25) and as such we have utilised the details that are available on this map in conjunction with the extract.

We have also utilised the 1958 OS map of the subject area which has assisted in our understanding of how P12 was recorded at the time.

The 1957,1958, 1:10000 and plan number 2575 (P with location plan) all carry Ordinance Survey grid lines which have assisted greatly in providing accurate reference points.

The 2 aerial photographs have also proven to be useful in providing some reference points with the 2014 version being particularly useful since it carries more details than the 2020 version.

The GP topographical survey has also provided accurate locations and dimensions of existing plot positions, boundaries, and road location within the subject area.

Physical measurements have also been taken on the ground which have provided reference points which support the integrity of the exercise, this has enabled us to provide the drawing referenced MBBL-01 which combines properties, boundaries, footpath position etc into one plan.

Critical measurements are also shown on extract from the 1958 OS Plan referenced 1958-1 and 1958-2 and these are used in the drawing of MBBL-01.

The following photographs show the footpath on the rear boundary of number 114 and 114a. The 1st photograph shows the original gate off the footpath into the original bungalow plot of 116, this gate predates the 1957 plan. The gate is positioned approximately 18m from the rear left hand corner of number 114 in an easterly direction. The 2nd photograph shows the gate erected by LCC rear left hand corner of 114, the corner of the timber fence is 49m from the kerb on Butt Lane as referenced on the plans included with this report. These photographs also provide evidence the path is positioned immediately on the fence line. It should also be noted the distance of the gate in the 2nd photograph is 1.8m from the LH metal post to the fence which is the definitive footpath width.



Conclusions.

The line of P12 on drawing number 2575 (P), (there are 2 drawings with this reference), show the path to be curved on the route from Hepworth Road to number 200 Butt Lane and on its route from 200 past Brecon, Thorndale, Whitegates, 114 and 116.

Both the 1957 and extract definitive map and the 1958 OS version do not indicate any such curvature.

On the drawing 2575(P) the angle at the change in direction of the footpath at number 200 has been calculated to be 155.5 degrees when measured with a digital angle rule.

However, the 1957 definitive map and the 1958 OS map show this angle to be 153 degrees, a substantial difference, the angle of 155.5 degrees has the effect of rotating the legal line of the P12 footpath anti-clockwise (eastward), away from the rear boundary fence of properties Brecon to Whitegates and closer to the property at number 116. This is a significant distortion of the line of the footpath shown in the definitive and 1957 maps.

The location of plots and boundaries on both 2575(P) drawings differ from drawing MBBL-01, this drawing has been prepared to compare overlays of plot positions and boundaries with the GP survey drawing and other actual measurements taken at the site. There are clear discrepancies in the 2575(P)-drawing relative to the survey drawing and therefore drawing 2575(P) is unreliable and inaccurate for use in confirming the correct position of the footpath.

Drawing MBBL-01 clearly demonstrates the public footpath is positioned along the rear boundary of Brecon, Thorndale, Whitegates, and 114 at a width of 6 feet (1.83m)

We have also considered the application for the diversion/ extinguishment of public rights of way and would make the following observations.

With reference to the declaration part of the application in which the applicant is asked to declare that,

The right of way to be diverted is in no way obstructed and that it is fully available to the public and we undertake that it shall in no way be obstructed before the order is confirmed. Clearly this is at odds with the note of the 4th July.

Our client has also provided us with the attached photographs the first which was presented to Piers Lindley (Rights of Way Officer LCC) in 2017 the second is of recent origin.

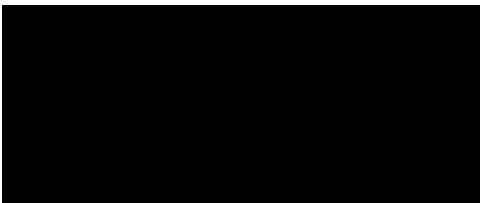


Way marker and stile at rear of No 200.



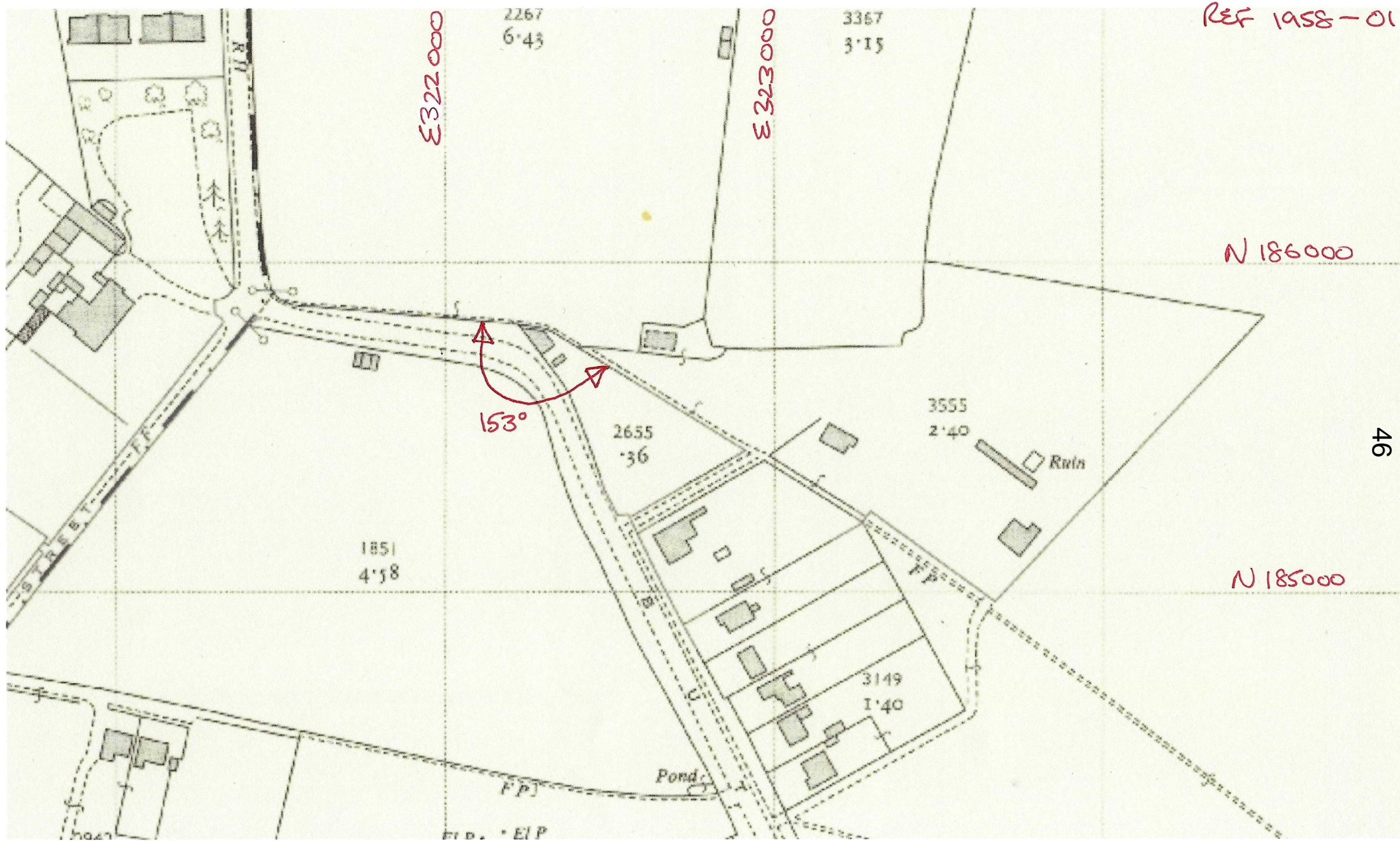
Way marker along rear fence of Brecon to Whitegates, showing trodden path close to Fence.

Clearly P12 is blocked and has been since at least 2017 and as such the declaration made by the applicant is false.



R B Sunderland
BSc (Hons) MRICS
For and on behalf of Platt White Partnership

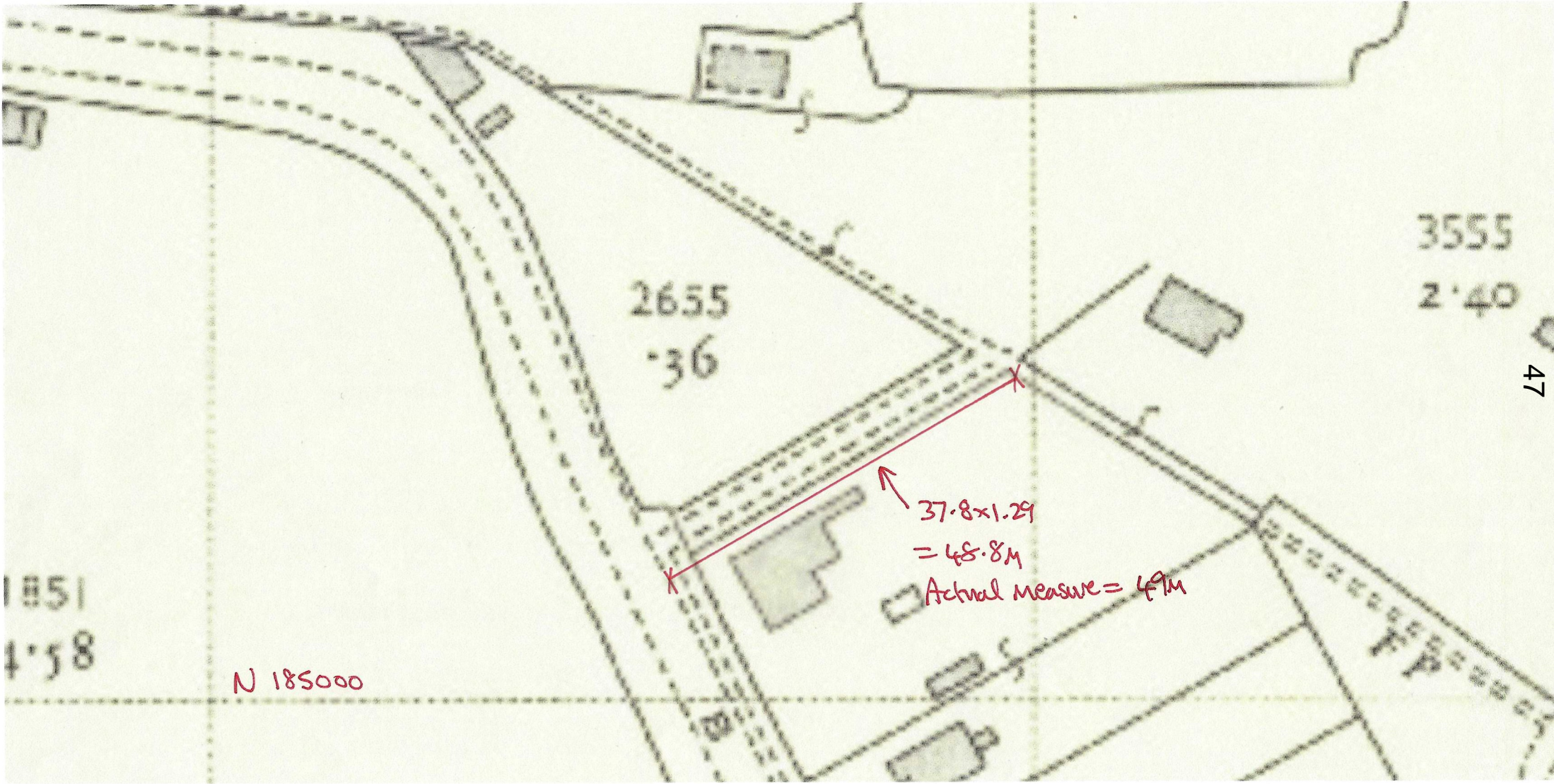
1958 MAP.
REF 1958-01



E 322000

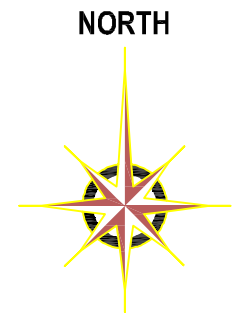
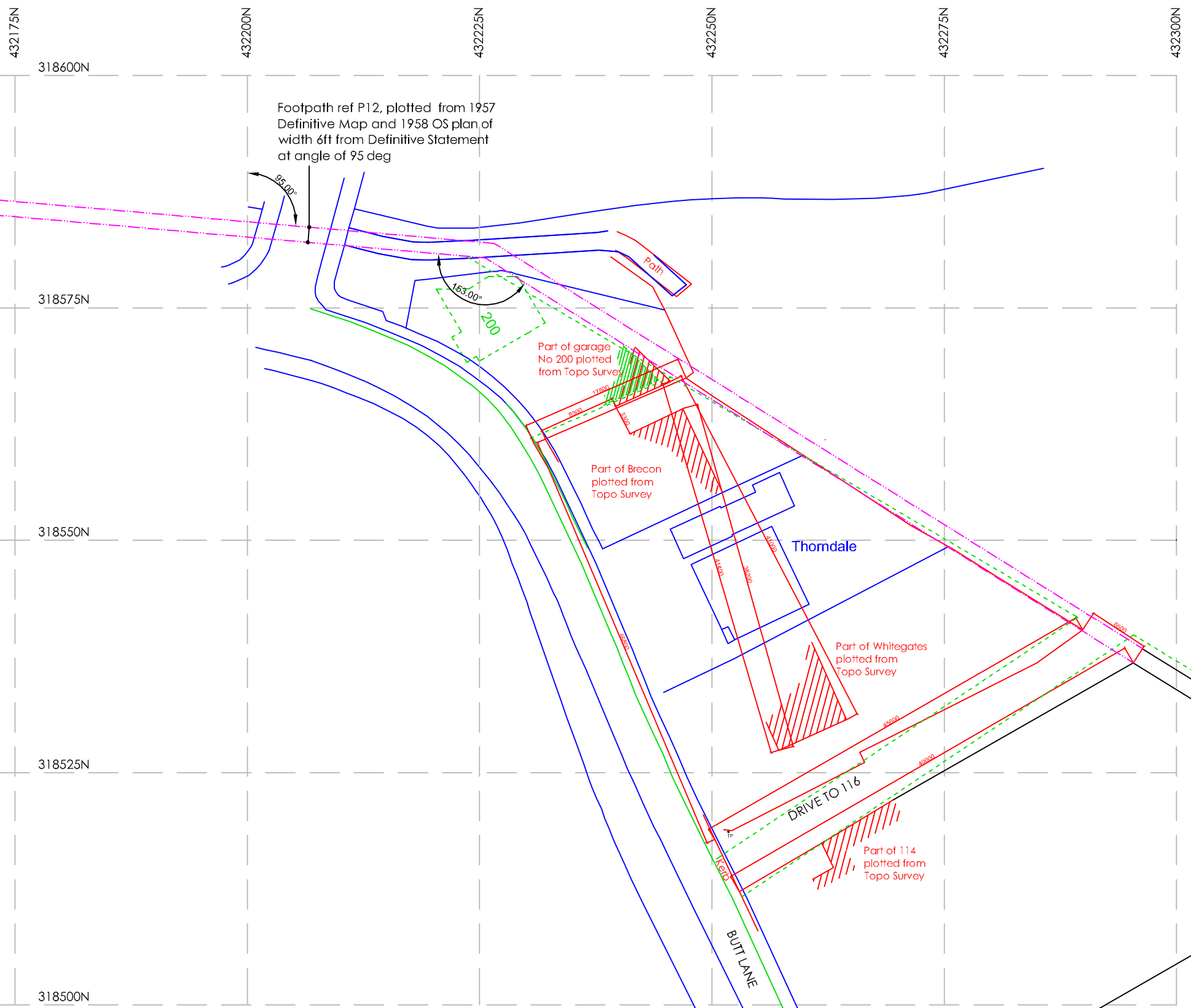
E 323000

1958 MAP.
REF 1958-02



100M GRID LINES (EASTINGS).

Scale at $1/50 \times 1.29$
to obtain true measure.



- Boundaries and properties on Butt Lane and other significant points plotted from topographical survey Sept 24 OR actual site measurements
- Properties, boundaries etc taken from OS Plan
- - - Properties, boundaries etc taken from LCC Plan Ref 2575(P)
- - - Footpath ref P12, plotted from 1957 Definitive Map and 1958 OS Plan of width 6ft from Definitive Statement

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48

Rev	Date	Name	Notes

Revisions

PLATT WHITE
Partnership
Nova House, 94 Boughton
Chester, CH3 5AQ.
Tel: 01244 314111, Fax: 01244 314700
e-mail: info@plattwhite.co.uk
Web: www.plattwhite.co.uk

Client
MALCOLM BALL

Project
FOOTPATH P12 OFF
BUTT LANE, BLACKFORDBY

Subject
PLOT OF FOOTPATH P12 FROM
1957 DEFINITIVE MAP

Plan prepared by
R B Sunderland MRICS
Partner at Platt White Partnership
Chartered Surveyors

Drwg. No. MBL - 01
Scale As shown at A3

Drawn by RBS
Checked by DL
Date July 2024

PLAN OF FOOTPATH
Scale 1/500

Samantha Ireson

From: malcolm ball [REDACTED]
Sent: 29 August 2025 13:10
To: Samantha Ireson
Subject: Re: 116 Butt Lane

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Samantha

As part of our submission opposing the Public Footpath Diversion of Footpath P12 (Part), I would like to make the following comments.

The attached documents from my appointed surveyors, Platt White, raises question about the validity of this application and need to be considered, a subject I will return to. (to be sent under separate cover).

I also have some additional comments to make in regards to the application and will begin with your note to me of 4th July 25.

In this you have informed me of the application under Section 119 Highways Act 1980 to divert Footpath P12.

In this your referral to the adjoining housing development is noted.

However, this it appears is in part suggesting that because the new path has been constructed on the new development then it should adjoin the diverted path and I would challenge such an implication.

It is the case I believe that when new estates are designed, it is sometimes beneficial to move existing footpaths to provide integrated development with good access.

Weight in favour of these types of changes is added to an application in those circumstances provided they follow the prescribed route. This process has not been adhered to in this case because:

1. Footpath P12 was obstructed in its passage along the definitive line sometime before 2nd March 2017 (see attached photo).



1. It is also noted from this photograph and others provided previously that way markers and a stile have been directing walkers onto this route which I believe has and is misleading.
2. No steps have been taken as far as I can see to have the footpath restored to its previous location on the definitive line.
3. Rather, efforts appear to have been focussed on ensuring that the new estate adjoins the route that has been created by the very people that carried out the act of obstructing the right of way in the first place and whom are now the applicants. (Refer to various exchanges in your possession. Hannah Exley, Planning County Footpath response February 27th and 28th, March 1st, 5th, 7th 2019.

3.

I would also like to discuss the issue of the land ownerships.

The declaration on the application from 14th July 2020 at 10 asks the applicant if they own all of the land affected by the proposal and agreement to this assertion was given.

We have had recent communications on this subject and I have, through the submission to you of original transfer documents etc, demonstrated that we own land across which the proposed diversion will run and have therefore evidenced this position.

It is however noted that no evidence or claim to the land in question has been provided by the applicant.

You have also previously held the diversion application because of this issue and I do not understand why suddenly the application is being brought forwards, this issue is still clearly to be resolved.

To conclude and returning to my earlier point, the Platt White report provides compelling evidence that the basis for the proposal diversion is substantially flawed.

My own comments also challenge the basis of the application.

As such the application should not be considered viable and refused.

I have however previously expressed my wish to see an end to this issue. To this end I am prepared to give some ground in order to try to resolve this situation.

I had hoped to reach an acceptable agreement with Peter Jarvis from No. 20 Butt Lane and I believe we do have an accord. However, Peter tells me that he has had a serious family illness issue which has left him unwilling to focus on this issue at this time which is regrettable.

You have however previously offered a visit to site by a Right of Way Officer to assist in us setting our out boundary in order for us to erect a fence down the line of the footpath.

I would therefore suggest that we arrange this visit at a mutually agreeable time for the stakeholders at which point we can all agree an acceptable outcome and prevent further delays in reaching an agreeable outcome.

I would be most grateful if you could confirm receipt of this submission.

Yours sincerely

Malcolm Ball

Samantha Ireson

From: Samantha Ireson
Sent: 04 July 2025 15:57
Subject: Preliminary Consultations - Proposed Diversion of Public Footpath P12 (Part) at Butt Lane, Blackfordby
Attachments: 2575P - Preliminary Consultations Plan - Public Footpath P12 Blackfordby.pdf

Good afternoon,

SECTION 119 – HIGHWAYS ACT 1980
PROPOSED DIVERSION OF PUBLIC FOOTPATH P12 (PART) AT BUTT LANE, BLACKFORDBY
PROPOSED PUBLIC PATH DIVERSION ORDER 2025

An application has been received for the diversion of Public Footpath P12 (part) at Butt Lane, Blackfordby as shown on Plan No.2575 (P) attached.

The diversion has been requested to resolve a long-standing obstruction of the legal line of the footpath by diverting it onto the route being walked by the public and to also divert the Public Footpath onto the constructed routes of the adjoining new housing development off Butt Lane. Should the proposal be approved, the alternative footpath will be subject to the following condition:

1. The alternative route for Public Footpath P12 should have a width of 2 metres and kept free from obstruction.

I would be grateful if you could let me have your observations on this proposal by the 15th August 2025. If I do not hear from you by this date, I will assume that you have no observations to make.

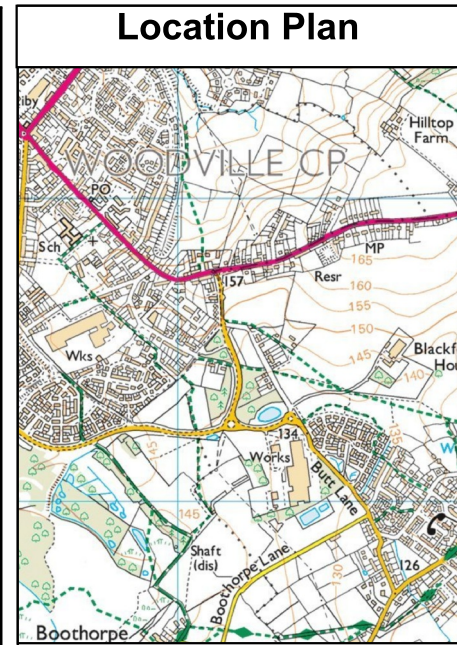
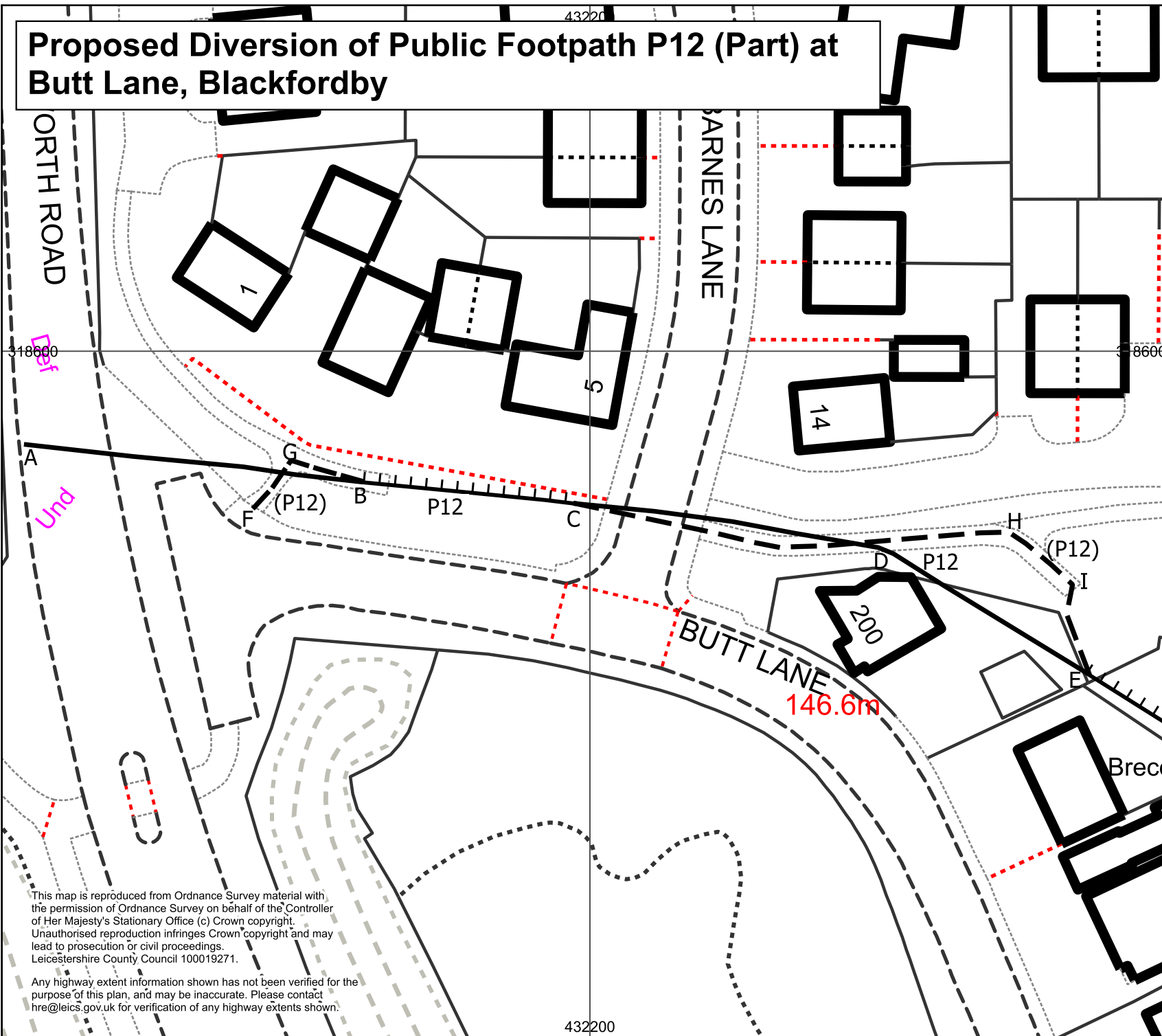
Kind Regards,

Samantha Ireson
Senior Access and Development Officer
Public Rights of Way
Sustainable Travel Team
Leicestershire County Council




0116 305 0001



Proposed Diversion of Public Footpath P12 (Part) at Butt Lane, Blackfordby



Key

-  Public Footpath to be Diverted (A-B) and (C-D-E)
-  Alternative Public Footpath (F-G-B) and (C-H-I-E)
-  Unaffected Public Footpaths

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 Director Ann Carruthers



**Leicestershire
 County Council**

Plan No.2575 (P)
 Scale 1:500

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