

**LEICESTERSHIRE LOCAL ACCESS FORUM – APRIL 2015**

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

**Purpose of Report**

1. To update Forum members on the current position with regard to various Public Path and Modification Orders.

**Public Footpath Orders which have been confirmed since the last report**

2. The following Public Path Orders have recently been confirmed:-

Order Number

**2232 – Diversion of Footpath G93 at Six Hills, Broughton and Old Dalby.** This diversion was sought by the applicant under the Provisions of the Town & Country Planning Act 1990 and made by Melton Borough Council in order to allow an abattoir to be developed. (See Appendix 1)

**2237 – Diversion of Footpath E361, New District Council Offices, Melton Station site, Melton Mowbray.** This was a diversion of an unrecorded public footpath in order to accommodate the development of new council offices and car park. It was made by Melton Borough Council under the Town & Country Planning Act 1990. The path will now be added to the Definitive Map and recorded as Footpath E361. (See Appendix 2)

**2312 – Diversion of Bridleway H28 at Shoby, Grimston Parish.** This diversion was sought to enable the construction of a new barn and had the effect of removing the bridleway from the farm yard. The Order was made by Melton Borough Council under the Town & Country Planning Act 1990. (See Appendix 3)

**2320T – Temporary Diversion of Footpaths N49, O22 and O35 at Bardon Quarry Extension.** This temporary order forms part of a sequence of consecutive orders sought by Aggregate Industries UK Ltd, to enable expansion of quarry operations at Bardon. This particular phase of temporary diversions will last until 2<sup>nd</sup> May 2017. (See Appendix 4)

**2361 – Diversion of Footpath F13b, The Manor House, Wycomb, Scalford Parish.** The south eastern end of Footpath F13b had for many years passed through a wilderness area in the grounds of the Manor House and members of the public were accustomed to exiting onto Wycomb Lane via an agricultural field gate to the west. This diversion was made in order to resolve this long standing anomaly. (See Appendix 5)

**2365 – Diversion of Footpath D74 at Southfields Farm, Somerby.** This Order was made by Melton Borough Council under the provisions of the Town & Country Planning Act 1990. The Order was made to facilitate the construction of a new barn. In addition the order had the effect of resolving other long standing obstructions in the farm yard. (See Appendix 6)

### **Public Path Order Applications**

3. The following applications for public path orders have recently been received:-

#### **Order Number**

**2387 - Proposed Diversion of Footpath K54 at Loughborough.**

The County Council has recently received a consultation from Charnwood Borough Council regarding an application to divert part of Public Footpath K54 at Loughborough, near the Great Central Railway, in association with a planning application for a housing development. The Order is being processed under the provisions of the Town & Country Planning Act 1990. (See Appendix 7)

**2391 – Proposed Diversion of Bridleway P31 at Ashby Woulds.** The County Council has recently received a consultation from North West Leicestershire District Council regarding an application from a landowner to divert part of the above path. The diversion is requested to regularize a situation which has prevailed on the ground for some time, where the walked route differs from the route on the Definitive Map. The District Council are making the Order under the provisions of the Highways Act 1980. (See Appendix 8)

**2392 – Proposed Diversion of Public Footpath N83 at Ravenstone.**

The County Council has recently received a consultation from North West Leicestershire District Council regarding an application to divert a section of the above path to enable development to proceed for which planning permission has been granted. This is a Town & Country Planning Act order. (See Appendix 9)

### **Confirmed Modification Orders (Evidential)**

4. The following Order was recently confirmed.

**M962 – Addition of Public Footpath C108 at Saint Peter’s Church, Gaulby.**

This path was first claimed by the Parochial Church Council and local residents in 2013 based on user evidence. As the land belongs to the church, in order to expedite matters a Deed of Dedication was entered into, signed by the Bishop of Leicester; the Rev. Tim Stevens. This enabled a past event Modification Order to be made avoiding the lengthy process of making an Order based on historical and user evidence involving consultations and possible objections. In future this

type of case might be dealt with by a “Consensual” Definitive Map Modification Order under the provisions of the Deregulation Act 2015. (See Appendix 10)

### **New Applications for Modification Orders (Evidential)**

5. The following applications have recently been received:-

**M1027 – Proposed Addition of a Public Footpath from South Street to Prior Park Road, Ashby de la Zouch.** This application has been made in response to the alleged blocking off of a through route passing through part of Castle Field. The preliminary assessment of this application has not yet begun. (See Appendix 11)

### **Forthcoming Referrals to the Planning Inspectorate, Public Hearings & Inquiries**

6. The following cases are being referred to, or have been referred to the Secretary of State for determination:-

**2286 – Extinguishment of Footpath F76 (part) at Bottesford.** Members may be aware that a poorly drafted Town & Country Planning Act Order (1971) left Public Footpath F76 severed and this eventually led to partial obstruction of the “dead end” section. Options to re-connect the path had proved elusive and subsequently an application was lodged with the authority to extinguish the dead end sections. Objections have been received to the Order and the case is to be sent to the Planning Inspectorate imminently, for determination. (See Appendix 12)

**M947 – Proposed addition of Footpath K107 at Garendon Green, Loughborough.** Objections were received to the making of this Order which would have the effect of adding a footpath to the Definitive Map between Garendon Green and Garendon Road, Loughborough. This case has recently been sent to the Planning Inspectorate for consideration. It is not yet known whether the case will be dealt with by written representations or an Inquiry. (See Appendix 13)

**M919 – Addition of Public Footpaths H108 and H108a at Frisby Lakes, Asfordby Parish.** This case was recently referred to the Planning Inspectorate which has now set a date of 2<sup>nd</sup> September 2015 on which to hold a local Public Inquiry. (See Appendix 14)

### **Decisions Awaited & Decisions Received**

7. The following decision was recently published by the Planning Inspectorate:-

**2026 - Diversion of Public Bridleway K57 (Part) Pocket Gate Cottage, Swithland, Loughborough.** An Inspector was not persuaded that it was expedient to divert the above bridleway and therefore declined to confirm the Order. (See Appendix 15)

## **Recommendation**

8. The Forum is asked to note the contents of the report.

## **Officers to Contact**

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