

**LEICESTERSHIRE LOCAL ACCESS FORUM – 2 JULY 2015**

**REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT**

**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.

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

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

Order Number

2174 – **Diversion of Footpath K23, Toilet Roll Factory, Rothley.** This diversion was made by the County Council under the provisions of the Highways Act 1980, after the route was not diverted under the Town & Country Planning Act 1990 following a development. (See Appendix 1)

2334 – **Diversion of Footpath H56, Brooksby.** This diversion was sought by the Network Rail to enable them to close a level crossing. A good surfaced path with solid steps leading up to Hoby Road has been constructed as a replacement. (See Appendix 2)

2379 – **Deed of Dedication of Footpath U74 (extension) from Shilton Road to Footpath U32 at Barwell.** This Deed of Dedication relates to a Definitive Map Modification Order Application originally lodged by Barwell Parish Council in November 2013. (See Appendix 3)

2390 (M1026) – **Deed of Dedication, Public Footpath T100 from Brodick Road Hinckley, to Orkney Close.** The Borough Council, which owns the land, has dedicated the above route as a public footpath and in addition to the Deed of Dedication a permissive path agreement has been signed to enable lawful use of the pathway by cyclists (See Appendix 4)

## **Public Path Order Applications**

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

### Order Number

**2389 – Proposed Diversion of Public Footpaths X23 and X24 at the former Great Central Railway Line, Shawell.** In the New Year, the County Council received reports that the bridge through which Public Footpath X24 passed under the track bed of the former railway, was shedding bricks on to the footpath below. A temporary closure and diversion order was brought into force to safeguard the public while arrangements were made to remove unstable portions of the bridge. In view of the state of the structure it was considered sensible to permanently divert Footpath X24. The diversion of Footpath X24 necessitates the diversion of Footpath X23. The alternative routes are already open as part of the temporary diversion. This diversion is being promoted by the County Council on safety grounds. (See Appendix 5)

**2396 – Proposed Diversion of Public Footpath U18, Earl Shilton Trials (Bikes) Club site, Earl Shilton and Potters Marston Parishes.** This diversion has been applied for by the Trials Club to achieve safe separation of the public from active motorcyclists. It will also resolve some long standing anomalies with the definitive route. (See Appendix 6)

**2397 – Proposed Diversion of Public Bridleway T95 at Meadow View Farm (Riding) School, Barwell.** This diversion is being sought by the riding school in order to safely segregate members of the public from the school's horses and clients who are children with special needs. The path will have a width of between 4 and 8 metres. The diversion would also resolve a long standing obstruction which existed before the current owners acquired the property. The application plan is based on the applicant's drawing and therefore the proposed diversion may require revision after a detailed site survey has been completed. (See Appendix 7)

**2398 - Proposed Extinguishment of part of Footpath R17 at the Green, Markfield.** An application has been received for the extinguishment of a short section of footpath directly in front of the old Methodist (Temperance Hall) Chapel, at the Green, Markfield. The property has in more recent years been used as a garage. If the footpath were extinguished members of the public would use the highway land immediately to the south of the building as an alternative. (See Appendix 8)

**2320-Phase 2 – Proposed Stopping Up of Footpaths N49 (Part) Temporary Stopping up of Footpath O22 (Part) and Creation of Footpaths O108, O109 and N110 at Bardon Hill Quarry Extension.**

The County Council has recently received a the application from Aggregate Industries UK Ltd., for a further raft of temporary and permanent order(s) as phase 2 of the company's ongoing expansion of the extraction site. (See Appendix 9)

**Confirmed Modification Orders (Evidential)**

3. There were no confirmed evidential Modification Orders confirmed in the last quarter.

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

4. The following applications have recently been received:-

**M1034 – Proposed Addition of a Public Footpath (U108) from East Green to Kirby Road, Barwell.** An application has recently been received from Barwell Parish Council, for the addition of a Public Footpath to the Definitive Map, from East Green to Kirby Road, Barwell, based on user evidence. (See Appendix 10) Land registry map

**M1038 – Proposed Addition of a Public Footpath (B38 & B38A) along Back Lane, Slawston.** An application has recently been received for the above route to be added to the Definitive Map based on user evidence. The section of alleged footpath A-B is shown on the attached plan. (See Appendix 11) Highway extents

**M1039 – Proposed Addition of a Public Footpath Y108, from Leire Lane to Ashby Parva Road, Dunton Bassett.** An application has recently been received from Dunton Bassett Parish Council, for the addition of a public footpath to the Definitive Map along the route described above, based on user evidence. (See Appendix 12)

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

5. 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.** The authority has recently been notified that the Planning Inspectorate will be considering this case by written representation over the summer months. (See Appendix 13)

**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. The

authority has recently been notified that the Planning Inspectorate will be considering this case by written representation over the summer months. (See Appendix 14

### **Decisions Received**

6. No decisions have been received from the Secretary of State during the last quarter.

### **Recommendation**

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

### **Appendices**

Appendix 1 – Diversion of Footpath K23, Toilet Roll Factory, Rothley.

Appendix 2 – Diversion of Footpath H56, Brooksby.

Appendix 3 – Deed of Dedication of Footpath U74 (extension) from Shilton Road to Footpath U32 at Barwell.

Appendix 4 – Deed of Dedication, Public Footpath T100 from Brodick Road Hinckley, to Orkney Close.

Appendix 5 – Proposed Diversion of Public Footpaths X23 and X24 at the former Great Central Railway Line, Shawell.

Appendix 6 – Proposed Diversion of Public Footpath U18, Earl Shilton Trials (Bikes) Club site, Earl Shilton and Potters Marston Parishes.

Appendix 7 – Proposed Diversion of Public Bridleway T95 at Meadow View Farm (Riding) School, Barwell.

Appendix 8 – Proposed Extinguishment of part of Footpath R17 at the Green, Markfield.

Appendix 9 – Proposed Stopping Up of Footpaths N49 (Part) Temporary Stopping up of Footpath O22 (Part) and Creation of Footpaths O108, O109 and N110 at Bardon Hill Quarry Extension.

Appendix 10 – Proposed Addition of a Public Footpath (U108) from East Green to Kirby Road, Barwell.

Appendix 11 – Proposed Addition of a Public Footpath (B38 & B38A) along Back Lane, Slawston.

Appendix 12 – Proposed Addition of a Public Footpath Y108, from Leire Lane to Ashby Parva Road, Dunton Bassett.

Appendix 13 – Extinguishment of Footpath F76 (part) at Bottesford.

Appendix 14 - Proposed addition of Footpath K107 at Garendon Green, Loughborough.