

LEICESTERSHIRE LOCAL ACCESS FORUM – OCTOBER 2015

**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.

Public Footpath Orders which have been confirmed since the last report

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

Order Number

2176 – Diversion of Footpaths Y25 and Y26 at Willoughby Waterleys.
This diversion was made in order to facilitate the extension of a garden.
(See Appendix 1)

2345 – Diversion of Footpath B19, Shangton Holt, Gartree Road, Shangton. This diversion was sought to enable a garden and parking area to be developed around old farm buildings which have been converted into a domestic home. (See Appendix 2)

2354 – Bridleway H48, Church Lane, Frisby on the Wreake. This diversion was made in order to resolve a long standing problem concerning the alignment of the public bridleway. The housing development had been laid out in a manner which provided for the bridleway but as it was later discovered, on the wrong alignment. (See Appendix 3)

Public Path Order Applications

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

Order Number

2399 – **Proposed Diversion of Public Footpath N48 of Beverage Lane, Ellistown & Battleflat near Coalville.** North West Leicestershire District Council is processing a diversion order application under the provisions of the Town & Country Planning Act 1990 in order to enable development to take place. (See Appendix 4)

2400 – **Proposed Diversion of Public Footpath Y89, at the Grey Goose Public House, Gilmorton.** Harborough District Council is processing a diversion order application under the provisions of the Town & Country Planning Act in order to enable a small housing development to take place. (See Appendix 5)

2401 – **Proposed Extinguishment (Part) of Public Footpath I84 at Millstone Lane, Queniborough and Syston.** Charnwood Borough Council is processing an extinguishment order application under the provisions of the Town & Country Planning Act 1990 in order to enable a housing development to take place. (See Appendix 6)

2402 – **Proposed Diversion of Footpaths W71 and W87 at Fairway Meadows, Leire.** Harborough District Council has received an application to divert the above footpaths under the provisions of the Town & Country Planning Act, in order to enable development to proceed. (See Appendix 7)

2403 – **Proposed Diversion of Footpath F78 at Normanton in Bottesford Parish.** Melton Borough Council has received an application to divert the above footpath at Normanton, to enable an agricultural development to take place. (See Appendix 8)

2405 - **Proposed Diversion of Footpath G29A, off The Green, Hose.** An application has been received for the diversion of a short section of footpath between houses at Hose. This will enable one of the residents to transfer a small piece of land to his neighbour so that the latter can park his car more commodiously. It will also correct a minor alignment anomaly on the Definitive Map. (See Appendix 9)

Confirmed Modification Orders (Evidential)

3. The following Modification Orders were confirmed in the last quarter.

M710 – **Addition and deletion of Footpaths J62 & J66 (Parts) off Station Road, Cropston.** This Order rectified a long standing anomaly whereby the route of Footpath J62 had been shown on the Definitive Map passing through the curtilage of No. 180 Station Road, while the route that had always been sign posted and walked by the public passed through the

curtilages of Property No. 176-178 Station Road. The Order was finally confirmed as an unopposed order. (See Appendix 10)

M942 – Addition of Footpath K107 at Garendon Green, Loughborough. This case was referred to the Planning Inspectorate which commissioned an Inspector to determine the matter by written representation. The Inspector has now confirmed the Order. (See Appendix 11)

New Applications for Modification Orders (Evidential)

4. The following applications have recently been received:-

M1045 – Proposed Addition of a Public Footpath (K52) Moor Lane to the Grand Union Canal Towpath, Quorndon. An application has recently been received from a resident of Loughborough, for the addition of a Public Footpath “missing link” to the Definitive Map, which runs from the south eastern end of existing Footpath K52 (Moor Lane) to Footpath I27 on the Grand Union Canal towpath. (See Appendix 12)

Forthcoming Referrals to the Planning Inspectorate, Public Hearings & Inquiries

5. The following cases were referred to the Secretary of State for determination:-

M919 – Addition of Public Footpaths H108 and H108A at Frisby Lakes, Asfordby. After referral to the Secretary of State a three day Public Inquiry into the above case was held from 2nd September at County Hall and the Inspector made an accompanied site visit on the final day. (See Appendix 13)

2347 – Diversion of Bridleway A32 (Part) Holiday Cabins, North Lane, Foxton. An objection was received to the above order on the basis that attractive views of the rural landscape, which can be observed from the existing route of the bridleway, would be lost forever if the path were to be diverted to the proposed new line. The case has therefore been referred to the Secretary of State for determination. (See Appendix 14)

Decisions Received

6. See item 3. (M710) above.

Recommendation

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

Appendices

Appendix 1 – Diversion of Footpaths Y25 and Y26 at Willoughby Waterleys

Appendix 2 – Diversion of Footpath B19, Shangton Holt, Gartree Road, Shangton.

Appendix 3 – Bridleway H48, Church Lane, Frisby on the Wreake.

Appendix 4 – Proposed Diversion of Public Footpath N48 of Beverage Lane, Ellistown & Battleflat near Coalville.

Appendix 5 – Proposed Diversion of Public Footpath Y89, at the Grey Goose Public House, Gilmorton

Appendix 6 – Proposed Extinguishment (Part) of Public Footpath I84 at Millstone Lane, Queniborough and Syston

Appendix 7 – Proposed Diversion of Footpaths W71 and W87 at Fairway Meadows, Leire

Appendix 8 – Proposed Diversion of Footpath F78 at Normanton in Bottesford Parish

Appendix 9 – Proposed Diversion of Footpath G29A, off The Green, Hose

Appendix 10 – Addition and deletion of Footpaths J62 & J66 (Parts) off Station Road, Cropston

Appendix 11 – Addition of Footpath K107 at Garendon Green, Loughborough

Appendix 12 – Proposed Addition of a Public Footpath (K52) Moor Lane to the Grand Union Canal Towpath, Quorndon

Appendix 13 – Addition of Public Footpaths H108 and H108A at Frisby Lakes, Asfordby

Appendix 14 - Diversion of Bridleway A32 (Part) Holiday Cabins, North Lane, Foxton