

LEICESTERSHIRE LOCAL ACCESS FORUM – 28 JANUARY 2016

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

2316 – Diversion of Footpath D1 and Bridleway D5 at Cold Newton Lodge, Hungarton. This diversion was made in order to provide greater privacy for the occupiers of Cold Newton Lodge. (See Appendix 1)

2339 – Diversion of Footpath J61 at Cropston in Thurcaston and Cropston Parish. This minor diversion was sought to enable the landowner to manage their land differently. (See Appendix 2)

2369 – Deed of Dedication for Footpaths V119 and V120, Western Park Golf Course, Glenfield. These Dedications were made as the first stage of delivering non-motorized user links from Glenfield and existing bus stops and facilities to the new Glenfield Park residential and commercial development. The second stage will be to improve the paths using funds from the developers under the provisions of a Section 106 Agreement. (See Appendix 3)

2375 – Diversion of Footpath G93 at Four Winds, Old Dalby. This Order was made by Melton Borough Council under the provisions of the Town and Country Planning Act 1990 to enable development to take place and to resolve long standing building obstructions. The section of footpath currently shown running along Gibson's Lane will be deleted as part of the "Past Event" Order. (See Appendix 4)

2386 – Diversion of Footpaths G32 and G40 at Long Clawson Dairy. This Order was made by Melton Borough Council under the provisions of the Town and Country Planning Act 1990 to enable further expansion of the Long Clawson Dairy. (See Appendix 5)

Public Path Order Applications

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

Order Number

2407 – Proposed Diversion of Public Footpath V30 and Extinguishment of Public Footpath V109 at Sharnford. Public Footpath V109 was proposed to be added to the Definitive Map at the 1980 Draft Review, but owing to limited resources the authority did not add it to the Definitive Map until the mid 1990s. In the intervening period planning permission was sought and granted to develop a trucking company site but neither the trucking company nor the Planning Authority were aware that the footpath existed because it did not appear on the Definitive Map. Consequently no provision was made for the footpath through the site. The company are now seeking to have Footpath V109 extinguished on the basis that it is not used and that its existence is incompatible with the use of the surrounding land as a busy trucking business. The company have at the same time applied for a minor diversion of Footpath V30 to resolve some long standing obstructions on neighbouring farm land. (See Appendix 6)

2411 – Proposed Diversion of Public Footpath N109, North Avenue, Coalville. Footpath N109 was recently added to the Definitive Map based on a successful claim supported by user evidence. Now North West Leicestershire District Council is processing a diversion order under the provisions of the Town & Country Planning Act 1990 to enable development to take place. (See Appendix 7)

2412 – Proposed Diversion of Public Bridleway H61 at Wymeswold. Charnwood Borough Council is processing a diversion order application under the provisions of the Town & Country Planning Act 1990 in order to enable a housing development to take place. (See Appendix 8)

2418 - Proposed Diversion of Public Footpath D77 at Burrough on the Hill. An application has been received for the diversion of this footpath to the rear of The cottage at Burrough on the Hill. The diversion is being sought to resolve some long standing obstructions and for the better management of the owner's land. (See Appendix 9)

Confirmed Modification Orders (Evidential)

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

M823 – Addition of Footpath G16A at Barkestone le Vale. An existing pathway between Rutland Street and Chapel Street, Redmile was successfully claimed by Redmile Parish Council based on historical and user evidence. It was confirmed in October as an unopposed order. (See Appendix 10)

New Applications for Modification Orders (Evidential)

4. The following applications have recently been received:-

M1050 – Proposed Addition of a Public Footpath over Public Amenity land from Pulford Drive to Pulford Drive, Scraftoft. An application has recently been received from Scraftoft Parish Council for the addition to the Definitive Map

of a public footpath at the above location based on more than 20 years use. (See Appendix 11)

M1051 – Proposed Addition of a Public Footpath (A112) Leicestershire Round, Thorpe Langton. An application has recently been received from the Leicestershire Footpath Association for the addition to the Definitive Map of a “missing link” on the Leicestershire Round, based on more than 20 years use including its inclusion in the Leicestershire Round Booklets since 1981. (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:-

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 is currently being determined by written representation and a closed site visit with the Inspector, the objector, the applicant and Leicestershire County Council is due to be made in March. A decision is then expected shortly afterwards. (See Appendix 13)

Decisions Received

6. The following orders were recently confirmed by the Secretary of State.

M919 – Addition of Public Footpaths H108 and H108A at Frisby Lakes, Asfordby Parish. This case was referred to the Planning Inspectorate which commissioned an Inspector to determine the matter by Public Inquiry. The Inspector confirmed the Order in October. (See Appendix 14)

2322 – Diversion of Public Footpath F72 at “Daybell” Bottesford. Melton Borough Council made an order under the provisions of the Town & Country Planning Act 1990 to divert the above footpath to enable development to take place. After an objection was received an Inspector appointed by the Secretary of State determined the case by written representations. The Order was subsequently confirmed. However the order does not become operative until such time as the alternative route has been satisfactorily constructed. (See Appendix 15)

2286 – Extinguishment & Creation of Footpath F76 at Bottesford. The authority made an Order extinguishing part of Footpath F76 which had been severed by a previous Borough Council order in 1982. In addition it also made a Creation Order effectively extending Footpath F76 southwards so that it would no longer be recorded as a cul-de-sac on the Definitive Map. After receiving objections the case was referred to the Secretary of State and the matter was determined by an Inspector in receipt of written representations. The Inspector confirmed both orders in November 2015. (See Appendix 16)

Appendices

- Appendix 1 - Plan No 2316
- Appendix 2 - Plan No 2339
- Appendix 3 - Plan No 2369
- Appendix 4 - Plan No 2375
- Appendix 5 - Plan No 2386
- Appendix 6 - Plan No 2407-A
- Appendix 7 - Plan No PAR/121/SUR/003
- Appendix 8 - Proposed Diversion of H61 Wymeswold
- Appendix 9 - Plan No 2418
- Appendix 10 - Plan No M823
- Appendix 11 - Application Plan for Path at Scraftoft
- Appendix 12 - Extract of Definitive Map Thorpe Langton
- Appendix 13 - Plan No 2347
- Appendix 14 - M919
- Appendix 15 - Plan No 2322
- Appendix 16 - Plan No 2286/e

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