



**LEICESTERSHIRE LOCAL ACCESS FORUM – 27<sup>th</sup> APRIL 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

2377 – **Diversion of Footpath L48 at Diseworth.** This diversion order was made and recently confirmed so as to afford greater privacy and security for local residents of Clements Gate, Diseworth. (See Appendix 1).

2389 – **Diversion of Footpaths X23 and X24 at the old Great Central Railway, Shawell.** This diversion order was made and recently confirmed so as to afford a safer route for pedestrians because the original route which passed under an old railway bridge was subject to falling masonry. (See Appendix 2).

**Public Path Order Applications**

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

2414 – **Proposed Diversion of Public Footpath I48 at Ratcliffe College, Cossington Parish.** An application has been submitted to Charnwood Borough Council, from Ratcliffe College, to divert the above footpath to enable the development of new enclosed sports pitches. (See Appendix 3).

2415 – **Proposed Diversion of Footpaths H108 and H108A and Bridleway H37 at Frisby Lakes, Asfordby Parish.** The County Council has received an application for the diversion of the above paths in the interests of the land owner, in terms of better management of a holiday lodge park and to resolve an anomaly with the route of Bridleway H37. (See Appendix 4a and 4b).

2420 – **Proposed Diversion of Footpath Q21 off Bott's Lane, Appleby Magna.** This Town & Country Planning Act order is sought to enable development to take place but will also rectify a minor anomaly on the definitive Map resulting from a previous diversion. (See Appendix 5).

2421 – **Proposed Diversion of an un-recorded footpath at Melton Cattle Market.** Melton Borough Council has consulted the County Council on a Town & Country Planning Act diversion to formally re-route a path as part of a wider scheme to redevelop the Cattle Market. (See Appendix 6).

2422 – **Proposed Diversion of Bridleway Z47 at Winchester Road Industrial Estate, Blaby.** An application has been requested for the diversion of this bridleway and cycleway on grounds of public safety. The current route crosses a works car park emerging from behind a building and there have been several near collisions between fork lifts and cyclists. The alternative route would avoid the car park. (See Appendix 7).

2423 – **Proposed Diversion of Footpaths J62, J66 and J67 off Station Road, Cropston.** The County Council is processing a proposal to divert the above footpaths in the interests of the landowners for better management of agricultural land. The proposed diversion of Footpath J62 arises in part from a Modification Order which was confirmed in 2015 which placed the right of way in the field so this diversion would return part of it to the field edge. (See Appendix 8).

(No number allocated) – **Proposed Diversion of Public Footpath I46, Underhill Bridge, Sileby.** The County Council has just received an application from Network Rail for the diversion of the above footpath. This application is made so that the footpath can be routed over a new footbridge over the Midland Mainline as the original bridge has now been demolished. (See Appendix 9).

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

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

M1018 – **Change of routes affecting Footpaths D10 and C50 at St. Catharine's Church, Houghton on the Hill.** This Order corrected the routes of these two footpaths where they passed through a church yard and adjacent fields so that now the Definitive Map accords with the paths that the public have customarily used. (See Appendix 10).

M1044 – **Rights of Way L60, L62, L63 and L101, the A453 Trunk Road Improvement, Kegworth Parish.** Although this Modification Order has been made as a result of a past event (The A453 Trunk Road Side Roads Order) rather than evidentially based, it is reported here because it had the effect of recording a new section of Bridleway (Bridleway L62) on the Definitive Map in addition to changing the routes/status of several other rights of way. (See Appendix 11).

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

4. The following applications have recently been received:-

M1057 – **Proposed Addition of a Public Footpath B41 at Hallaton.** An application has recently been received from a member of the public to add a route near the old chapel and through the allotment on the basis that this is the route the public have taken for many decades; not the route recorded on the Definitive Map. If successful the authority would consider extinguishing the current legal line of footpath on the grounds that it is unnecessary. (See Appendix 12)

M1058 – **Proposed Addition of a Public Footpath in the village of Walton on the Wolds.** An application has recently been received from Walton on the Wolds Parish Council for the addition to the Definitive Map of a short section of path from Black Lane to Poplar Hill, based on user evidence. (See Appendix 13).

M1060 – **Proposed Addition of two circular field paths west of Barry Close, Kirby Muxloe.** Two separate but complimentary applications have been received from local residents for the addition of the above paths on the basis of user evidence. (See Appendix 14a and 14b).

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

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

2311 – **Diversion of Footpaths M1, M2, M3, M4, M5, M24, M28 & M35 on the Staunton Harold Estate.** The above order has recently been sent off to the Planning Inspectorate for determination. It is not known at this stage whether the case will be dealt with by written representations, a public hearing or local Inquiry. (See Appendix 14)

2347 – **Diversion of Bridleway A32 (Part) Holiday Cabins, North Lane, Foxton.** Inspector, Mr. Martin Elliot, made an accompanied site visit to Bridleway A32 with the landowner, objector and rights of way officers on 7th March. A decision letter is expected shortly. (See Appendix 15)

### **Decisions Received**

6. There have been no recent decisions issued by the Planning Inspectorate.

### **Appendices**

- Appendix 1 - Plan No 2377
- Appendix 2 - Plan No 2389
- Appendix 3 - Plan No 2414
- Appendix 4a - Plan No 2415/1
- Appendix 4b - Plan No 2415/3
- Appendix 5 - Diversion Plan for Footpath Q21
- Appendix 6 - Plan No 2421
- Appendix 7 - Plan No 2422
- Appendix 8 - Plan No 2423P
- Appendix 9 - Public Footpath I46, Underhill Bridge
- Appendix 10 - Plan No M1018
- Appendix 11 - Plan No M1044
- Appendix 12 – Plan No M1057
- Appendix 13 - Plan No M1058
- Appendix 14a - Plan No M1060
- Appendix 14b - Plan No M1060
- Appendix 15 - Plan No 2311
- Appendix 16 - Plan No 2347

### **Officers To Contact**

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