



LEICESTERSHIRE LOCAL ACCESS FORUM – JULY 2016

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

2264 – **Diversion of Footpath S48 (Part) near Spinney Grange, Barton Road, Carlton.** The above order was recently confirmed. It was requested in order to resolve a long standing issue of garden boundary obstructions. (See Appendix 1)

2398 – **Extinguishment of Footpath R17 (Part) at Markfield.** This section of public footpath was originally recorded running along a narrow strip of land immediately in front of the old Wesleyan Methodist Chapel at The Green, Markfield, separated from the carriageway/general highway by iron railings. The building has not been a chapel for a generation and the railings disappeared decades ago. The footpath was therefore considered unnecessary and has been extinguished. (See Appendix 2).

2399 – **Diversion of Footpath N48 at Beverage Lane (Interlink Park), Ellistown.** This diversion was made and subsequently confirmed by North West Leicestershire District Council, under the provisions of the Town & Country Planning Act (1990) to enable the development of a warehouse and associated lorry parking. (See Appendix 3).

2400 – **Diversion of Footpath Y89 by the Grey Goose Inn, Gilmorton.** This diversion was recently confirmed and brought into operation by Harborough District Council, under the provisions of the Town & Country Planning Act (1990) to enable development of a part of the field/garden of the Grey Goose Inn for housing. (See Appendix 4).

2405 – **Diversion of Footpath G29A (Part) at Hose.** This diversion order was recently made and confirmed by the County Council under the provisions of the Highways Act 1980, in order to resolve a legal anomaly which was affecting the private transfer of land between two neighbours. The Definitive Line for this footpath was shown incorrectly as a consequence of the mapping not plotting the alignment of adjacent houses, garden fences and driveways accurately in relationship to their actual positions on the ground. (See Appendix 5).

2407 – **Diversion of Public Footpath V30 and Extinguishment of Public Footpath V109 at Sharnford.** Public Footpath V109 has recently been extinguished on the basis that it was not needed and that its existence was incompatible with the use of the surrounding land as a busy trucking business. At the same time Public Footpath V30 has been diverted in order to resolve some long standing obstructions on neighbouring farm land. (See Appendix 6).

2420 – **Diversion of Footpath Q21 at Appleby Magna.** This diversion has recently been confirmed by North West Leicestershire District Council, under the provisions of the Town & Country Planning Act (1990) to enable development to take place associated with a domestic dwelling (See Appendix 7).

Public Path Order Applications

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

2423 - **Proposed Diversion of Bridleway J67 and Footpaths J62 and J66 at Cropston.** Members will recall a Definitive Map Modification Order that resolved a dispute concerning the alignment of Footpath J62 at Station Road, Cropston. This Modification Order had the secondary effect of moving Footpath J62 away from the field edge into the field. The Swithland Estate has now applied for this footpath to be diverted back to the headland and at the same time has taken the opportunity to apply to have Bridleway J67 and Footpath J66 also diverted to headlands in the interests of better management of the land. (See Appendix 8).

2424 – **Proposed Diversion of Footpath I46 (Underhill Bridge) Sileby.** Network Rail has applied to the County Council for the diversion of this footpath under the provisions of the Highways Act (1980) so that it will run on the correct alignment of a new railway footbridge built last year. The company had previously sought to divert the footpath by means of a Town and Country Planning Act (1990) Order but as the structure was substantially complete the application could not be processed. (See Appendix 9).

2425 – **(M988) Proposed Diversion of Footpath (Y106) The White Lion, North Kilworth.** There is an outstanding application to have a path added to the Definitive Map at the White Lion, North Kilworth (Y106). If the application were to prove successful it would put the footpath through the curtilage of a house built since the application was first lodged. The developers have provided a 2 metre wide tarmacadamed path on a suitable alternative alignment and

therefore it seems reasonable and expedient to make a diversion order to run contiguously with the Modification Order to resolve the matter. (See Appendix 10).

2427 – Proposed Diversion of Public Footpath N16 at Henson’s Lane, Thringstone. North West Leicestershire District Council has received an application from Thringstone Miners Welfare F.C. for the diversion of Footpath N16 which is considered necessary to enable the permitted development of a grass training area. (See Appendix 11).

2428 – Proposed diversion of Bridleway G67 at Lilac Farm, Grimston. An application has been received from the landowners at Lilac Farm for the diversion of the bridleway around a series of new horse paddocks in order to facilitate safe and convenient horse grazing and thus allow more efficient use of the land. (See Appendix 12).

2429 - Proposed Deed of Dedication – Footpath E16b at Sainsburys, Nottingham Road, Melton Mowbray. In order to discharge the conditions of a Section 106 Agreement relating to the development of a new superstore on the old site of the District Council Offices, Melton Borough Council and Leicestershire County Council propose to enter into a Deed of Dedication Agreement to create a new footpath (E16b) at Sainsburys, Melton Mowbray. (See Appendix 13).

2430 – Proposed Diversion of Public Footpath I110 off Charles Street, Sileby. Charnwood Borough Council has received an application under the provisions of the Town & Country Planning Act (1990) for the diversion of Footpath I110 on the basis that it is deemed necessary to enable a small housing development to proceed. (See Appendix 14).

Confirmed Modification Orders (Evidential)

3. There have been no evidence based Definitive Map Modification orders confirmed in the last quarter.

New Applications for Modification Orders (Evidential)

4. The following applications have recently been received:-

M1069 – Proposed Addition of Public Footpaths off Churchill Way, Fleckney. An application has recently been received from local residents for the addition of several paths to the Definitive Map at the above location. (See Appendix 15).

Forthcoming Referrals to the Planning Inspectorate, Public Hearings & Inquiries

5. There have been no recent cases referred to the Secretary of State for determination:-

Decisions Received

6. The following cases have recently received decisions issued by the Planning Inspectorate:-

2347- Diversion of Bridleway A32 (Part) Holiday Cabins, North Lane, Foxton. After an accompanied site visit in March, Martin Elliot, an Inspector from the Planning Inspectorate, confirmed the order in April. The Inspector set aside objections from a local resident; whose main concern being the loss of unique landscape views. Mr. Elliot did not consider the loss of amenity to be significant and confirmed the order. (See Appendix 16).

Appendices

- Appendix 1 - Plan No 2264/1
- Appendix 2 - Plan No 2398
- Appendix 3 – Diversion Plan N48
- Appendix 4 - Plan No 2400
- Appendix 5 - Plan No 2405
- Appendix 6 - Plan No 2407/B
- Appendix 7 – Order Plan Q21 Appleby Magna
- Appendix 8 – Proposal Plan J62/J66/J67
- Appendix 9 – Proposal Plan I46 - Sileby
- Appendix 10 - Plan No 2425
- Appendix 11 – Proposal Plan N16-Thringstone
- Appendix 12 – Application Plan G67 Grimston
- Appendix 13 - Plan No 2429
- Appendix 14 – Proposal Plan I110 - Sileby
- Appendix 15 – Claimed Paths - Fleckney
- Appendix 16 - Plan No 2347

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