



LEICESTERSHIRE LOCAL ACCESS FORUM – July 2017

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 confirmed since the last report:-

Order Number

2288 – Deed of Dedication, Footpaths Z115 and Z116 at the former County Arms Site, Glen Parva (See Appendix A) An initial Definitive Map Modification Order claim for a public right of way leading down steps from Leicester Road, Glen Parva, through the old pub garden to the Grand Union Canal towpath, was eventually superseded by the Deed of Dedication of two public footpaths linking to the canal towpath as part of a Section 106 Agreement for the development of Glenhills Court.

2303 – Diversion of Footpaths R98 and T74 at Pendlewood Farm, Leicester Forest West (See Appendix B) The above diversion was recently confirmed for the purpose of more effective management of land for horse husbandry.

2388 – Diversion of Footpath Q25 at Black Horse Hill, Appleby Magna (See Appendix C) This Town & Country Planning Act order was recently confirmed to enable the development of a dwelling.

2396 – Diversion of Footpath U18 at Earl Shilton Trials Club Grounds (See Appendix D) This diversion order was recently confirmed in order to resolve a long standing anomaly and obstructions at the above site.

2432 – Diversion of Footpath Q21 at Appleby Magna (See Appendix E) This Highways Act was the last in a series of three orders, the previous two not quite achieving, for one reason or another, the outcomes the applicant had in mind. The confirmed order enables better management of the land.

2404 – **Diversion of Footpath A1 at Husbands Bosworth** (See Appendix F) This diversion was made and confirmed in order to resolve a long standing anomaly relating to the incorrect alignment of the footpath on the ground when it was enclosed around 20 years ago.

2436 – **Diversion of Rights of Way N50, N51 and N52 at the Amazon Distribution Site, Ellistown & Battleflat** (See Appendix G) This package of changes included within a Town & Country Planning Act Order involved the extinguishment of part of Footpath N50 and of Bridleway N52 and their replacement with a circular bridleway. The associated extinguishment of the footpath crossing (Footpath N50) is progressing as a separate order as is a further order rationalising the associated routes of Footpath N47 and Bridleway N108, the latter described below.

Public Path Order Applications

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

2282 – **Proposed Diversion of Footpath A8 at Mowsley** (See Appendix H) This diversion is sought in order to divert a public footpath around a ménage. The ménage was built with the benefit of planning permission in 2012 and the footpath was to be diverted under the provisions of the Town & Country Planning Act but owing to an administrative error the order was never made.

2448 – **Proposed Diversion of Footpath N47 and Bridleway N108 at the Amazon Distribution Site, Ellistown & Battleflat** (See Appendix I) This diversion is sought in order to rationalise the routes of the above rights of way in association with landscaping of the Amazon Distribution Site.

2462 – **Proposed Diversion of Bridleway C78 at Owston & Newbold** (See Appendix J) This diversion is sought to take the bridleway from a route which passes underneath a disused railway viaduct, for long term safety reasons.

2463 – **Proposed Dedication of Existing Permissive Paths as Permanent Public Footpaths L110a, L110b, L110c and O110 at Whitwick Quarry** (See Appendix K) The owners of Whitwick Quarry have offered to dedicate the above paths as part of a Section 106 Agreement.

2464 – **Proposed Diversion of Footpath F7 off Bescaby Lane, Waltham on the Wolds** (See Appendix L) This application has been made in order to enable the landowners to manage their grazing more effectively.

2466 – **Proposed Diversion of Footpath W44 at Thomas Estley College, Broughton Astley** (See Appendix M) This diversion is sought in order to remove the public footpath from the grounds of the college on safeguarding grounds and to redirect it to run past a new village civic centre currently being built.

2467 – **Proposed Diversion of Footpath U17 at Stoney Stanton** (See Appendix N) This Town & Country Planning Act is being sought to enable housing development to take place.

2468 – **Proposed Diversion of Bridleway X32 at Moorbarns Farm, Lutterworth** (See Appendix O) This diversion is being sought to enable the farmer to erect fencing alongside the bridleway without obstructing it. The alternative route follows a rough field edge track which has been used by the public for many decades.

Confirmed Modification Orders (Evidential)

3. The following evidence based Definitive Map Modification order was confirmed since the last report.

M711 – **Proposed Addition of Footpath I118 from Bridge Street to Proctor's Park Road, Barrow upon Soar.** (See Appendix P). A Public Inquiry to determine the case was heard on April 25th 2017 at County Hall. The Order was confirmed shortly afterwards.

New Applications for Modification Orders (Evidential)

4. The following applications have been lodged since the last Report.

M1101 – **Proposed Addition of a Public Footpath along Bottleacre Lane, Loughborough** (See Appendix Q) Local residents have claimed this route as a public footpath on the basis of use as of right for 20 years or more.

M1102 – **Proposed Addition of a Public Footpath (E40) along a track from Coston Road to Footpath E40 at Buckminster** (Critical Gap) (See Appendix R) The trackway concerned has been used for many years as a footpath as it is the logical continuance of Footpath E40 and provides its connection to the village.

Forthcoming Referrals to the Planning Inspectorate, Public Hearings & Inquiries

5. There are currently no cases due to be heard at Public Inquiry in the near future:-

Decisions Received

6. There was one decision issued by the Planning Inspectorate since the last report:-

M711 – **Proposed Addition of Footpath I118 from Bridge Street to Proctor's Park Road, Barrow upon Soar.** (See Appendix 16). See above.

Appendices

- Appendix A – Plan No 2288-DD-1
- Appendix B – Plan No 2303-B
- Appendix C – Plan No 2388
- Appendix D – Plan No 2396
- Appendix E – Plan No 2432
- Appendix F – Plan No 2404
- Appendix G – Plan No 2436
- Appendix H – Plan No 2282-P
- Appendix I – Plan No 2448
- Appendix J – Plan No 2462
- Appendix K – Plan No 2463
- Appendix L – Plan No 2464
- Appendix M – Plan No 2466
- Appendix N – Plan No 2467
- Appendix O – Plan No 2468
- Appendix P – Plan No M711
- Appendix Q – Plan No M1101
- Appendix R – Plan No M1102

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