



LEICESTERSHIRE LOCAL ACCESS FORUM – September 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

2403 – **Diversion of Footpath F78 at Elms Farm, Normanton, Bottesford Parish** (See Appendix A) The above Town & Country Planning Act (T&CPA) diversion was recently confirmed by Melton Borough Council to enable the construction of two new agricultural buildings.

2415 – **Diversion of Rights of Way H108, H108a and H37 at Frisby Lakes, Asfordby Parish** (See Appendices B, C and D) The County Council recently confirmed the above order as a means of tidying up several loose ends resulting from the successful application to add Footpaths H108 and H108a to the Definitive Map earlier this year and to re-route Bridleway H37 onto the actual route available on the ground.

2421 – **Diversion of Footpath E16c (previously unrecorded and unnumbered) at Melton Cattle Market** (See Appendix E) Melton Borough Council recently confirmed this T&CPA Order as part of its Melton Cattle Market Improvement Scheme.

2428 – **Diversion of Bridleway G67 at Lilac Farm, Grimston** (See Appendix F) This Order was recently confirmed to enable the landowner to maintain the land in three separate parcels across the line of the original public footpath.

Public Path Order Applications

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

2464 – **Proposed Diversion of Footpath F7 off Bescaby Lane, Waltham on the Wolds** (See Appendix G) This order is sought by the landowners to manage grazing better by enabling smaller horse paddocks to be constructed.

2472 – **Proposed Diversion of Footpath S27 off Brascote Lane, Newbold Verdon** (See Appendix H) This diversion is sought by home owners wishing to sell their property and move home. During a potential sale of the house it became apparent the current legal line of the footpath is within the curtilage of their garden.

2473 – **Proposed Diversion of Footpath S66 at FP McCann Ltd., Cadeby** (See Appendix I) This T&CPA Order application has been submitted to Hinckley & Bosworth Borough Council to enable works to be developed for which planning permission has been granted.

Confirmed Modification Orders (Evidential)

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

M866 – **Addition of Bridleways E65 and E65a at Sproxton in the Parishes of Sproxton and Garthorpe** (See Appendix J) The above Modification Order, based on user evidence and supported by historical documentary evidence was originally sought by Alex Pyper on behalf of the Leicestershire & Rutland branch of the British horse Society. The order was confirmed as an unopposed order and the bridleways now appear on the Definitive Map.

New Applications for Modification Orders (Evidential)

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

M1109 – **Proposed Addition of a Public Footpath from Footpath T34, Past the Old Post Office to Sketchley Lane, Ratcliffe Culey, Witherley Parish** (See Appendix K) The above application has been made by Witherley Parish Council on the basis of historical documentation and user evidence.

M1110 – **Proposed Addition (Extension) of Public Footpath U4 at Wykin, Hinckley** (Critical Gap) (See Appendix L) The above application has been made by the Hinckley Ramblers to resolve the issue of an apparent gap that exists between the recorded start of footpath U4 at Wykin and Higham Lane.

Forthcoming Referrals to the Planning Inspectorate, Public Hearings & Inquiries

5. There are currently no cases due to be heard at Public Inquiry or hearing in the near future:-
6. One case has been referred to the Secretary of State as an opposed order:-

M1021 - **Deletion of Public Footpath C50A at Higham on the Hill** (See Appendix M) There was one objection to the proposed deletion of this footpath on the basis that it had some historical status as an ancient highway and that it is used and was not included on the Definitive Map in error. The County council takes the view that on balance of evidence there is no public right of way at this location.

Decisions Received

7. There have been no new decisions issued by the Planning Inspectorate since the last report.

Appendices

- Appendix A – Plan No 2403
- Appendix B – Plan No 2415/1/R1
- Appendix C – Plan No 2415/2/R1
- Appendix D – Plan No 2415/3/R1
- Appendix E – Plan No 2421-B
- Appendix F – Plan No 2428
- Appendix G – Plan No 2464
- Appendix H – Plan No 2472
- Appendix I – Plan No 17/00530/CONDIT
- Appendix J – Plan No M866
- Appendix K – Plan No LT278367 M1110
- Appendix L – Plan No M1110
- Appendix M – Plan No M1021

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