



**LEICESTERSHIRE LOCAL ACCESS FORUM – 17<sup>th</sup> APRIL 2018**

**REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT  
ON PUBLIC RIGHTS OF WAY 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 since the last such report in September 2017.

**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

2451 – Temporary **Stopping up and Creation of Footpaths O.22 and O.35 at Bardon Quarry** (See Appendices 1A & 1B) The above Town & Country Planning Act (T&CPA) temporary order was confirmed by Leicestershire County Council in September 2017 to enable mineral extraction at Bardon Quarry. It is part of a complex ongoing series of such orders to enable phased extraction and restoration of the site over a number of years.

2433 – **Diversion of Footpath Y83 at Ashby Magna** (See Appendix 2) The County Council confirmed the above order in November 2017 to enable the landowner to better manage his land.

2474 – **Stopping up of Footpath E13A at Mill House, Leicester Road, Melton Mowbray** (See Appendix 3) Melton Borough Council confirmed this T&CPA Order in December 2017 as a second phase of a rights of way rationalisation relating to a small housing development at this location.

2442 – **Diversion of Footpath F8 over dismantled railways south of Scalford** (See Appendix 4) This Order was confirmed in January so as to re-route the public away from using two former railway bridges, at the request of the landowner.

**Public Path Order Applications**

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

2478 – **Proposed Diversion of Footpath A86 at Highland Grange, Church Langton** (See Appendix 5) This diversion is sought in the interests of the landowner to better manage their land for their enjoyment and conservation.

2481 – **Proposed Diversion of Footpath A54 off Station Road, Great Bowden** (See Appendix 6) This T&CPA Order is sought by developers to fit in with their proposed new development.

2482 – **Proposed Diversion of Rights of Way B47, B56 and B57 and Creation of Footpath B47a, Blaston Estate, Blaston** (See Appendices 7A, 7B and 7C) This application has been submitted by the Blaston Estate which considers that it would allow it to improve the management of its land.

2483 – **Proposed Diversion of Bridleways D6 and D43 at Quenby Hall, Hungarton** (See Appendix 8) The applicants at Quenby Hall are seeking this diversion to improve their privacy and to better manage the landscape south of Quenby Hall.

2486 – **Proposed Extinguishment of Footpath B74 at Barnsdale, Great Easton** (See Appendix 9) Planning Permission has been granted to redevelop the site at Barnsdale. The developers have applied for the extinguishment of an unnecessary "V" shaped spur of Footpath B74 on the grounds that it is not needed for public use.

2487 – **Proposed Diversion of Bridleway C58 at Billesdon Lodge, Billesdon** (See Appendix 10) This application is sought to allow better management land for keeping horses in new horse paddocks.

2488 – **Proposed Extinguishment & Creation of Restricted Byway G60A at Asfordby** (See Appendix 11A) This is part of a suite of proposed changes to the rights of way network at this location, other elements of which are reported below.

2489 – **Proposed Dedication of Bridleway G60B and Footpath G60C at Asfordby** (See Appendices 11B and 11C) This is part of a suite of proposed changes to the rights of way network at this location, the other major element of which is reported above.

2490 – **Proposed Diversion of Footpath Z17 at the Horse & Trumpet, Wigston** (See Appendix 12) This application is sought to divert part of the footpath around a new brick and wooden decked seating area constructed for customers of the public house. The matter could have been dealt with under the provisions of the Town & Country Planning Act to enable development to take place. The Order is now being processed by the County Council under the provisions of the Highways Act 1980.

2492 – **Proposed Diversion of Footpath W62 at Frolesworth** (See Appendix 13) This application has been made to resolve a long standing anomaly where part of the Leicestershire Round Long distance path passes through a house and garden built back in the early 1960s without recourse to a formal diversion of the footpath at that time.

2493 – **Proposed Diversion of Footpath E99 at Waltham on the Wolds**  
(See Appendix 14) This is a T&CPA Order application sought in order to enable a housing development to take place. It has been applied for in conjunction with application no. 2494 below.

2494 – **Proposed Diversion of Footpath F1 at Waltham on the Wolds**  
(See Appendix 15) This is a T&CPA Order application sought in order to enable a housing development to take place. It has been applied for in conjunction with application no. 2493 above.

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

3. No Evidential Definitive Map Modification Orders have been confirmed since the last report.

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

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

M1127 – **Proposed Addition of a Public Footpath From Footpath H36 to Footpath H37 by the River Wreake, at Asfordby** (see Appendix 16) The above application has been made on the basis of use as of right for a period of 20 years or more, supported by its depiction on O.S. Maps. There are proposals to develop the site leaving a route through the middle of it for the footpath.

M1134 – **Proposed Addition of two Public Footpaths at Glen Oaks, Great Glen** (See Appendix 17) The above application has been made on the basis of use as of right for a period of 20 years or more.

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

5. The proposed closure of the I20 bridleway crossing at Barrow is being referred to the planning inspectorate for determination.
6. There is one upcoming case to be determined at a Public Hearing:-

M1021 - **Deletion of Public Footpath C50A at Higham on the Hill** (See Appendix 18) A Hearing is to be heard at County Hall at 10:00am on 13<sup>th</sup> June 2018.

### **Decisions Received**

7. There has been one new decision issued by the Planning Inspectorate since the last report:-

2374 – **Proposed Diversion of Footpath D19 off Pulford Drive, Bushby** (See Appendix 19) A TCPA order that attracted an objection and was referred to the planning inspectorate. The Inspector decided that he could not confirm the order under the provisions of the Town & Country Planning Act, since the development

was nearly complete. The evidence concerning the objection was not considered. The Inspector's decision is attached as Appendix 20). Jelsons are now considering their options to resolve the matter in conjunction with the County Council.

### **Appendices**

- Appendix 1A – Plan No 2451-A
- Appendix 1B – Plan No 2451-B
- Appendix 2 – Plan No 2433
- Appendix 3 – Plan No 2474
- Appendix 4 – Plan No 2442
- Appendix 5 - Plan No 2487/A2
- Appendix 6 – Plan No 2481
- Appendix 7A – Plan No 2482/P-1
- Appendix 7B – Plan No 2482/P-2
- Appendix 7C – Plan No 2482/P-3
- Appendix 8 – Plan No 2483/P
- Appendix 9 – Plan No 2486/P
- Appendix 10 – Plan No C58/02/A
- Appendix 11A – Plan No 2488e
- Appendix 11B – Plan No 2489a
- Appendix 11C – Plan No 2489b
- Appendix 12 – Plan No 2490/P
- Appendix 13 – Plan No 2491/P
- Appendix 14 – Plan No 2493
- Appendix 15 – Plan No 2494
- Appendix 16 – Plan No M1127
- Appendix 18 – Plan No DM/01
- Appendix 19 - Plan No M1021
- Appendix 19 – Plan No 2374/Con
- Appendix 20 – Inspector's Decision – Footpath D19

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