

The Safe and Sustainable Travel Team,
Environment & Transport Department,
Leicestershire County Council,
County Hall,
Glenfield,
Leicester,
LE3 8RJ

21st February 2018

Dear



Routes D6 and D43

Please find enclosed the completed application for the diversion of public rights of way together with supporting documents.

Enclosed is a cheque for £1,330.00 to cover the administrative charge relating to route D6 (£1,250.00) plus £80 for the additional route (D46) which we should like to re-direct as it links to D6.

Thank you for your help and guidance as part of this process.

We look forward to hearing from you in due course.

Yours sincerely



Martin and Joanne Allen

**APPLICATION FOR THE DIVERSION/EXTINGUISHMENT
OF PUBLIC RIGHTS OF WAY**

This form should be used to apply to Leicestershire County Council for the Diversion or Extinguishment of Public Rights of Way in Leicestershire.

Leicestershire County Council is the competent authority to make Orders under:-

- a) The Town and Country Planning Act 1990:- Where the County Council has issued the relevant planning permission.
- b) The Highways Act 1980:- Where landowners wish to alter rights of way on their land, or any other person or organisation would like the authority to create a new path. (An application under this Act may also be submitted to the appropriate District Council).
- c) Wildlife and Countryside Act 1981. If you consider that a right of way should be added to the Definitive Map or should not have been shown at all or has a different status, and you have documentary evidence to support this, then do not use this form. Please contact a member of the Rights of Way Service in the Environment & Transport Department on Leicester 0116 305 7087, who will arrange for the appropriate forms to be sent to you.

Please complete the following questions:-

1. Name and address of applicant. (Please include email address)

Mr and Mrs Allen
Quenby Hall
Hungarton
Leicestershire
LE7 9BQ
joanne@mrallen.net and martin@mrallen.net

2. Details of the Public Right(s) of Way

- a) The Village/Town or place where the Right(s) of Way is/are situated.

[Hungarton, Leicestershire](#)

- b) Status of Right of Way (i.e. Footpath/Bridleway).

[Bridleways](#)

- c) Name or number of the Right(s) of Way (if known).

[D6 and D43 at Quenby Hall, Hungarton](#)

3. Type of Order required – Diversion/Extinguishment (delete as appropriate)

[Diversion](#)

4. Description of existing route(s).

[The existing route can be described below under various headings:](#)

[Distance](#)

[The existing Footpath and Bridleway \(D6\) leads from the main road through the Quenby Hall Estate to the other side. This can be seen on the attached map \(Plan No 2483/P\)](#)

[The route has been measured as 1990 meters from when it enters the estate from Hungarton and leaves at Cold Newton.](#)

[The existing Footpath and Bridleway D43 links to D6 at point 'I' on the map.](#)

Views

The existing route gives a good view of the Hall and good views to the East and West aspects in particular. Views are limited to the South and very limited to the North.

Surface and Gradient

The existing route comprises a mixture of Tarmac Drive, Ridge and Furrow and an all-weather gravel and sand compound. The gradient is generally level with exception to the Ridge and Furrow.

Interest

The route is popular with both walkers and riders and makes up part of the Three Halls Walk incorporating both Loseby and Baggrave.

5. Description of alternative route(s) (if appropriate).

The proposed route will offer more than the existing route and can be described below under various headings:

Distance

The proposed new Bridleway and footpath (D6) increases to 2190m which represents a 10% increase in length. The Bridleway and Footpath (D43) is proposed to move slightly to point 'J' to assist identification of the route.

Views

The proposed new route (D6) will show Quenby Hall in an elevated position from both the east and west aspects. These views show the Hall sitting above the surrounding Ha-Ha walls which sets off the splendour of the Hall and acts like a plinth to enhance the Hall in its setting. Photo attached.

The Hall will be framed amongst the historic Cedar and Oak trees which date back hundreds of years. These trees cannot be appreciated in the same way in their current setting and especially against the backdrop of the Hall when viewed hard up against them.

A new view of the Coplow will be seen and enjoyed.

A new view of the old railway line can be seen and enjoyed.

Surface and Gradient

The proposed route (D6) measures a 3.75% average gradient fall – this has been calculated at some 15-17m fall across the distance south of the Copse with Medieval moats and fishpond which the proposed new route will be adjacent to. The new route consists of a Tarmac Drive and an all-weather gravel and sand compound.

As a result of liaising with the Ramblers Association, Leicestershire Footpaths Association, Leicestershire & Rutland Bridleways Association, British Horse Society and the Parish Council it was concluded that the surface of the proposed new route would need addressing. Consequently, the following steps were taken; Mole Ploughing took place initially to improve drainage across the Parkland. A sand and gravel composite was then carefully laid over the Ridge and Furrow to create an all-weather surface. The depth, width and camber was considered to ensure the robustness of the route for years to come. The route has been grass seeded to blend back into the Parkland.

The improved surface significantly improves the levelness and construction of the pathway which is something that riders were particularly concerned with. Since the surface has been created all five user groups (listed within point 9) have viewed.

The improvements to the surface will enable the use for mobility scooters and pushchair users to use the route. This wasn't possible before.

Interest

The proposed new route (D6) will enable passers-by to see the restoration of the Copse following the discovery of a medieval gem which the owners would very much like to restore. This is referred to as the Lost Italian Garden and comprises two moats and a fish pond – all Medieval. In Victorian times the garden was developed further as it formed the main garden at the Hall – the seams in the ground can still be seen leading to the garden. The landscaping was done by Harold Peto in an Italian style and hence it is called the 'lost Italian Garden'. It is the owners hope to fully research the garden and restore it to its former glory.

The owners are proposing to erect a site board detailing the history for all passers-by to enjoy

The owners are planning to plant wild flower seed in the Spring to make improvements to the habitat and overall look of the Quarry. Once again, this will add to the interest for passers-by to enjoy.

The owners propose to put two benches in place so walkers can rest and enjoy the views should they wish to.

6. If applying for a temporary Order under the provisions of the Town & Country Planning Act 1990 for what period of time do you wish it to last?

N/A

7. Reason for making the application:-

The reasons and benefits are listed below and are mentioned in point 5:

Preservation of the Lost Italian Garden (as detailed within point 5 under interest) is the primary reason for redirecting the route. The owners wish to restore the garden and recreate a link from the Hall to enable them to use and enjoy. Currently the Bridleway and Footpath is between the Hall and the Lost Italian Garden rendering it unfeasible to restore.

Privacy is another reason for redirecting the route. The existing route is enjoyed and respected by most of its users however sadly and given the close proximity to Hall, which is a private home, some users abuse this. The enjoyment for all (users and the owners) has been fundamental in the reason for requesting an alternative route. The owners have carefully and thoughtfully consulted with user groups to understand their views and requirements. As a consequence the owners have gathered suggestions and are prepared to put these in place to widen the enjoyment for all. Signage, surface, benches, horse friendly gate openings, mounting blocks and a site board to inform users of the restoration of the Lost Italian Garden have either been addressed or are planned.

The estate is entering a mid-tier Countryside stewardship agreement in 2018; the intention is to create a wildflower meadow over the old quarry site, to which the proposed route will pass by Point D, and graze in line with the rest of the parkland in time. It is hoped that the agreement will aid the restoration of the Lost Italian Garden along with other parkland restoration projects such as tree planting and habitat creation and management.

Better views of the south will become available comprising a view of the Coplow which wasn't previously available to be seen or enjoyed. A new view of the old railway line which wasn't previously available to be seen or enjoyed. The owners have already received strong anecdotal feedback from numerous Parishioners who now elect to use the proposed route as their preferred choice, to walk or ride, due to the views. All user groups made reference to the improved views the new route would give and have stated this from the outset.

8. Names and address of **ALL** the owners(s)/ occupier(s)/tenant(s) of **All** of the land affected by the proposal, including the existing and alternative routes (if appropriate).

Mr and Mrs Martin Allen, Quenby Hall, Hungarton, Leicestershire, LE7 9BQ

Mr John Murray, Dutch Cottage, Quenby Hall Estate, Hungarton, Leicestershire, LE7 9BQ

Miss Jessica Rolph, Courtyard Cottage, Quenby Hall Estate, Hungarton, Leicestershire, LE7 9BQ

Mr and Mrs Chris Egerton, Garden Cottage, Quenby Hall Estate, Hungarton, Leicestershire, LE7 9BQ

James Thompson and Susie Rice, Cherry Tree Cottage, Quenby Hall Estate, Hungarton, Leicestershire, LE7 9BQ

Mr Michael Dixon, Inders Cottage, Quenby Hall Estate, Hungarton, Leicestershire, LE7 9BQ

9. Names and addresses of any user organisation(s) you have approached, (Please attach copies of any responses).

Mr Martin James, Ramblers Association (Leicestershire Branch) 21 Hawthorn Drive, Melton Mowbray, Leicestershire, LE13 0PQ

Mr Stan Warren, Leicestershire Footpaths Association, 26 Welbeck Avenue, Leicester, LE4 0ED

Mrs Vicky Allen, Leicestershire & Rutland Bridleways Association, 123 Park Road, Loughborough, Leicestershire, LE11 2HD

Mrs Alex Piper, British Horse Society (Leicestershire), Bulldyke Farm, Medbourne Road, Hallaton, Market Harborough, Leicestershire, LE12 8UH

Mrs Penny Faulkner (chairman), Andrew May (clerk), Hungarton Parish Council, Hill Rise, Barley Leas, Hungarton, Leicestershire, LE7 9JH

**TO ENABLE THE COUNTY COUNCIL TO BEGIN PROCESSING YOUR APPLICATION,
THE FOLLOWING INFORMATION WILL NEED TO BE SUPPLIED**

A plan (scale 1:1250 or 1:2500) showing the existing and alternative route(s) clearly marked. An Ordnance Survey extract can be supplied by the County Council for this purpose by contacting the Rights of Way Service within the Environment & Transport Department on Leicester 0116 305 7087.

YOU ARE ALSO REQUIRED TO CONFIRM:-

10. That you/your client own(s) all of the land affected by the proposal. If you do not own any or all of the land concerned, you must supply the County Council with the written agreement of any owner(s)/occupier(s)/tenant(s) of the land.
11. That you/your client will pay the costs involved in processing the application. The administration charge is £1,250 plus a further £80 for each additional path included in the Order. The cost of advertising is also payable by the applicant(s). If the application is not finally approved, or is withdrawn by you/your client at any stage, you/your client will be required to pay the costs to date.
12. That you/your client will indemnify the County Council against any claim which may be made for compensation, as provided by Section 28 of the Highways Act 1980. Claims may be made if it can be shown that the value of a person's interest in land has depreciated, or that a person has been disturbed in his enjoyment of land, as a consequence of the coming into operation of a Public Path Diversion Order. However, it is unlikely that a claim would be forthcoming if the written agreement of all the owner(s) and occupier(s) of the land has been sought. Note:- this indemnification only applies to diversion Orders made under section 119 of the Highways Act 1980.

DECLARATION

I/we declare that the Right(s) of Way to be diverted/extinguished is/are in no way obstructed and that it is/they are fully available to the public and I/we undertake that it/they shall in no way be obstructed before the Order is confirmed.

I/we confirm my/our agreement to points 10, 11 and 12 (if appropriate).

Signed/

Date



21st February 2018.

Please send your completed application form, together with the above additional information to -
The Safe and Sustainable Travel Team, Environment & Transport Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RJ.

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