



## LEICESTERSHIRE LOCAL ACCESS FORUM – JANUARY 2015

### REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT ON PUBLIC RIGHTS OF WAY LEGAL ORDERS AND OTHER ONGOING CASES

#### Purpose of Report

1. 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

2. The following Public Path Orders have recently been confirmed:-

##### Order Number

**2327 – Proposed Diversion of Footpaths M72 (Part) and M59 (Part) Extinguishment of Footpaths M47A (Part), M52 (Part), M54 and M71 (Part) and Creation of Footpath M54 - Ginn Stables Farm, Coleorton.**

The re-routing of these public rights of way was sought to improve privacy and security of buildings at Ginn Stables Farm, which are currently being converted into new dwellings. (See Appendix 1; Proposal plan showing the diversions, creation and extinguishments on one plan).

#### Public Path Order Applications

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

##### Order Number

**2381 – Proposed Diversion of Footpath Q69 (Part) at Ibstock.** North West Leicestershire District Council is processing an application for a Diversion Order under the provisions of the Town & Country Planning Act, to enable a planning permission to be implemented for a large housing development. Part of the diversion will be on an estate road footway and part through public open space. (See Appendix 2).

**2383 – Proposed Dedication of Bridleway Q45 (Part) and Footpath Q65 (Part) off Normanton Lane, Heather.** In order to comply with a condition of the Section 106 Agreement associated with planning permission Ref. 2003/1790/07 relating to the Longmoor Opencast Coal Site at Ravenstone, the new owner of the land concerned is required formally to dedicate these routes across the restored land.

The additional public access was offered by the new landowner as an alternative to planting trees on the land. (See Appendix 3).

**2384 - Proposed Dedication of Public Footpaths O105 and 0106 at Ravenstone with Snibston.** In order to comply with a condition of the Section 106 Agreement associated with planning permission Ref. 2003/1790/07 relating to the Longmoor Open-cast Coal Site at Ravenstone, the new owner of the land concerned is required formally to dedicate these routes across the restored land.

The additional public access was offered by the new landowner as an alternative to planting trees on the land. (See Appendix 4).

**2385 – Proposed Diversion of Public Footpaths W67 (Part) and W68 (Part) at Leire.** This diversion is sought by the landowner to enable better, more effective management of his agricultural land. It will also rectify a very long standing Definitive Map anomaly by re-routing part of Footpath W68 from its route across a mill race where there is no recent record of there ever having been a footbridge, to an alternative route over an existing concrete footbridge already being used by the public. (See Appendix 5).

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

4. There have been no Definitive Map Modification Orders (other than “past event” orders) confirmed since my report in November 2014

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

5. The following applications have recently been received:-

**M1022 – Proposed Deletion of Public Footpath C50A at Houghton on the Hill.** This application has been made by the landowner on the basis that the path was claimed in error by Houghton on the Hill Parish Council, that it has never actually existed on the ground, it does not connect to nearby Public Footpath C50 and that it goes to no other place of public resort. The landowner’s agent has carried out pre-application consultations with the Ramblers Association, the Leicestershire Footpath Association, the Parish Council, the adjacent landowner; the Leicester Diocese and its tenant. (See Appendix 6).

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

6. The following cases are expected to be referred to the Planning Inspectorate as opposed orders in the next three months :-

**2026 - Diversion of Public Bridleway K57 (Part) Pocket Gate Cottage, Swithland, Loughborough.** The applicant in this case is seeking to divert a bridleway from the track immediately adjacent to his garden to a route between an outbuilding and a nearby brook. The Order has received objections and has been referred to the Planning Inspectorate which will be determining it by means of written representations. (See Appendix 7).

**M919 – Addition of Public Footpaths H108 and H108a at Frisby Lakes, in the Parish of Asfordby - Definitive Map Modification Order.** An Order has been made the effect of which will be to add two footpaths to the Definitive Map; one running around the perimeter of Frisby Lakes and the other cutting across the middle of the site. Based on user evidence from local people the Order has been

objected to and is now in the process of being referred to the Secretary of State for determination (see Appendix 8).

#### Matters Referred to Regulatory Board

7. The following case is to be placed before the Development Control & Regulatory Board on 8<sup>th</sup> January 2015.

**M919 – Addition of Footpaths J62 (Part) and J66 (Part) and the Deletion of Footpath J62 (Part) off Station Road, Cropston.** An application was made for this Modification by Cropston & Thurstaston Parish Council and relates to a disagreement about the correct line of the footpath where it leaves Station Road and passes between house boundaries. The application will go to Regulatory Board on 8<sup>th</sup> January for determination as to whether or not a Modification Order should be made (see Appendix 9)

#### Decisions Awaited

8. There are no outstanding decisions awaited from the Planning Inspectorate:-

#### Recommendation

9. The Forum is asked to note the contents of the report.

#### Officers to Contact

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