



LEICESTERSHIRE LOCAL ACCESS FORUM – AUGUST 4th 2011

**REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT
ON PUBLIC RIGHTS OF WAY LEGAL ORDERS**

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 in the last three months

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

Order Number

2102 – Footpath B5 at Kibworth Church of England Primary School, Kibworth, Harborough (Appendix A) – Extinguishment of footpath through school grounds and creation of a different footpath around the outside of school fields to provide new formalised access from the new housing development.

2199 – Footpath A58 and Bridleway A105 at Farndon Fields, Market Harborough (Appendix B) - Footpath diverted by Harborough District Council as part of a large housing development. The diversion will not be brought into effect until the alternative routes have been constructed to a satisfactory standard.

2241 – Footpath H57, Hive's Farm, Brooksby Estate, Hoby with Rotherby Parish, Melton (Appendix C) – Footpath diverted to rectify two long standing anomalies on the Definitive Map by re-routing the right of way onto the nearby farm track.

2247 – Footpath W36 at Sutton in the Elms, Broughton Astley, Harborough (Appendix D) – Creation of approximately 30 metres of footpath which extends the existing right of way to meet the highway on Broughton Way.

2155 – Footpath T65 at New House Farm, Dadlington, Sutton Cheney Parish, Hinckley and Bosworth (Appendix E) – Footpath diverted to afford greater privacy and security to the occupants of the house.

2258 – W9A, off Narborough Road South, Braunstone Town, Blaby (Appendix F) - Extinguishment of dead end Footpath (Blaby District Council Order) to enable development.

Public Path Order Applications

3. The following applications have recently been received:-

Order Number

2252 – Footpath R83, Stanton Lane to Markfield Lane, Thornton, Hinckley & Bosworth (Appendix G) – Evidence suggests that this path has not existed on its recorded line for some considerable time. The diversion of the route, instigated by the Rights of Way Service, will regularise this anomaly.

2257 – Rights of Way J21, J22, J24, J25, J26 and J48 at Watermead Country Park and surrounding areas, Charnwood (Appendix H) – A Composite Order Instigated by the Rights of Way Service, to rectify numerous anomalies within Watermead Country Park (including instances where rights of way are currently shown going through lakes and water courses).

2259 – Footpath J38, Tesco's site, Syston, Charnwood (Appendix I) - To remove a dead end spur of footpath left by a 1950s diversion Order.

2260 – Public Footpath I4 at Walton on the Wolds, Charnwood (Appendix J) – Recent application to divert footpath along a pleasant avenue of trees to formalise long standing unofficial diversion.

2261 – Public Footpaths J93 and J94, near Markfield, Ulverscroft and Newtown Linford Parishes, Hinckley & Bosworth and Charnwood (Appendix K) – A combination of proposed orders to rectify anomaly where footpath goes through underpass and to improve the route of the Leicester Round adjacent to the A50. (Preliminary discussions with landowners – nothing, as yet agreed).

2262 – Footpath Y7, Brookside Farm, Arnesby and Peatling Magna Parishes, Harborough (Appendix L) – Application to divert footpath away from expanding farm yard.

2263 - Footpath K2 at Merrick's Farm, Ulverscroft, Charnwood (Appendix M) – very recent application to divert the footpath away from a new dwelling and to rectify long standing anomalies (including the existing route of the path going through an ancient dry stone wall).

(Number not yet assigned) – Footpaths R98 and T74 at Pendlewood Farm, Leicester Forest West, Blaby (Appendix N) – To take paths away from dwelling and to better manage the land for keeping horses.

(Number not yet assigned) – Footpath A81 south of Church Langton, Harborough (Appendix O) - Application to divert path away from dwelling and better manage land for keeping horses.

Modification Orders (Evidential) confirmed in the last three months

4. Only one Modification Order has been confirmed since the last report. This is Order No. M680 which relates to a missing link between Footpath C45 and Main Street, Little Stretton (See Recent Hearings and Inquiries for details). (Appendix P).

New Applications for Modification Orders (Evidential)

5. The following applications have recently been received:-

Order Number

M919 – Various paths around Frisby lakes in the Parish of Asfordby (Appendix Q) – based on user evidence.

M921 – (Appendix R). A recent application from a local resident based on user evidence, for a public footpath across land at the site of the King Edward VII School, Melton Mowbray. This popular route was recently closed by the County Council when the school site became redundant. (Over 100 user evidence forms have been submitted with the application).

Recent Hearings and Inquiries

6. The following Modification Orders have had determinations made by Inspectors:-

M776 – Alleged public footpath from Forest View to Markfield Road, Groby, Hinckley & Bosworth (Appendix S)– The Secretary of State has agreed with a recent decision by a Rights of Way Inspector from the Planning Inspectorate that an Order should be made adding a public footpath at the above location. The Secretary of State has instructed the County Council to make such an Order on the basis that it is reasonably alleged that a footpath exists.

M680 - Missing Link between Footpath C45 and Main Street, Little Stretton, Harborough (Appendix P) - An Inspector has recently amended her original decision to confirm an Order with modifications to the affect that the route should be added as a Byway and has now confirmed the Order with the status of Restricted Byway. This was in response to an appeal by GLEAM against her original decision, on the basis that this route was not exempt from the effects of the Natural Environment & Rural Communities Act (N.E.R.C.) to extinguish vehicular rights. The exemption relied on the route being included on the County's List of Streets. The Inspector, after re-examining the evidence, concludes that it is her belief that Leicestershire does not, for the purposes of N.E.R.C., have a List of Streets. This will affect future Modification Orders made by the County Council.

Recent Regulatory Board Decisions

7. There have been no further Board decisions since the last Report.

Forthcoming Items for Regulatory Board

8. The complex case of Footpath U52 at Elmesthorpe is still likely to be the next case to go before Board.

Forthcoming Hearings and Inquiries

9. There are no cases going to Inquiry or Hearing in the foreseeable future.

Recommendation

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

Officer to Contact

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