

FP/I4

**Leicestershire  
County Council**

Committee Services  
Charnwood Borough Council  
Council Offices  
Southfields  
Loughborough  
Leics  
LE11 2TN

Date: 16<sup>th</sup> March 2012  
My ref: EJB/HTWMT/1781  
Your ref:  
Contact: Emily Berrington  
Phone: ~~0116 305 4982~~  
Email: ~~Emily.Berrington@leics.gov.uk~~

Dear Sir

**FOOTPATH I4 (PART) IN THE PARISH OF WALTON ON THE WOLDS  
PUBLIC PATH DIVERSION ORDER 2012**

I refer to previous correspondence and would inform you that approval has been given for the making of an Order in respect of the above-mentioned matter.

In connection with this matter I am now enclosing for your Council's use a copy of the appropriate Public Notice, Order and explanatory statement and would be grateful if you could acknowledge receipt thereof but in the meantime please display a copy of the Notice in your offices from 16<sup>th</sup> March 2012 to 20<sup>th</sup> April 2012.

Any representation or objection to the making of the Order should be made to this Council not later than 20<sup>th</sup> April 2012

Yours faithfully,

  
Emily Berrington  
Legal Assistant

Chief Executive's Department  
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA  
Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870

John Sinnott CBE, MA, Dipl. PA, Chief Executive  
David Morgan, BA, LL.M, County Solicitor

[www.leics.gov.uk](http://www.leics.gov.uk)

**LEICESTERSHIRE COUNTY COUNCIL**

**NOTICE OF MAKING OF AN ORDER**  
**SECTION 119 - HIGHWAYS ACT 1980**

**FOOTPATH 14 (PART),**  
**IN THE PARISH OF WALTON ON THE WOLDS**

**PUBLIC PATH DIVERSION ORDER 2012**

TO: Committee Services

OF: Charnwood Borough Council

The above Order made on 9<sup>th</sup> March 2012 will divert the part of footpath 14 in the Parish of Walton on the Wolds and the Borough of Charnwood which extends from a point situated at its junction with New Lane (Grid Reference 45915 31962) in a generally southerly and south south-westerly directions for a total distance of approximately 195 metres to a point situated at grid reference 45911 31943

The alternative route will extend from a point situated at its junction with New Lane (Grid Reference 45915 31962) in a generally south westerly, south south-easterly, southerly and south westerly directions for a total distance of approximately 210 metres to a point situated a grid reference 45911 31943 as shown on the Order Map.

A copy of the Order and map have been placed and may be seen free of charge at Room 200 Main Building, County Hall, Glenfield, Leicester LE3 8RA and the offices of Charnwood Borough Council, Council Offices, Loughborough LE11 2TN during normal office opening hours. A copy has also been sent to the clerk to Walton on the Wolds Parish Council. Copies of the Order and map may be purchased.

Any representation about or objection to the Order may be sent in writing to me at the undermentioned address quoting reference EJB/HTWMT/1781 not later than 20<sup>th</sup> April 2012 Please state the grounds on which it is made.

If no such representation or objection is duly made, or if any so made are withdrawn, the Leicestershire County Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation any representation or objection which has not been withdrawn will be sent with the Order.

Dated 23<sup>rd</sup> March 2012

David Morgan  
County Solicitor

County Hall, Glenfield, Leicester LE3 8RA

STATEMENT

SECTION 119 - HIGHWAYS ACT 1980

LEICESTERSHIRE COUNTY COUNCIL  
FOOTPATH 14 (PART) WITHIN THE PARISH OF WALTON ON THE WOLDS  
PUBLIC PATH DIVERSION ORDER 2012

Under the Highways Act 1980, County and District Councils have the power to make Orders to create, extinguish (close) or divert public rights of way. A notice that such an Order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

The Leicestershire County Council (hereinafter referred to as "the Council") has made an Order to divert parts of the public right of way known as Public Footpath 14 within the Parish of Walton on the Wolds. This statement has been prepared to explain various aspects of the Order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

The application has been made in the interests of the landowner. The minor diversion seeks to formalize the route of the footpath that has been used on the ground for a number of years in the preference to the Definitive line which initially crossed a farm yard and latterly was obstructed by the construction of a boundary wall. The proposal would facilitate the better management of the land and resolve a longstanding anomaly.

The Council is satisfied that the Order complies with the following legal grounds and tests laid down in the Highways Act namely that the alternative route is not substantially less convenient to the public as the existing route.

The Order will come into effect only after it has been confirmed; making and advertising the Order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the Order must be made in writing by 20<sup>th</sup> April 2012 and addressed to the County Solicitor, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RA. Please quote reference EJB/HTWMT/1781 on all correspondence.

The Council will be willing to discuss the concerns of those considering objecting or making representations relating to the Order. Please contact Samantha Ireson on Leicester (0116) 3057088 or Emily Berrington on Leicester (0116) 305 7982.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the Council will have to refer the Order and objections to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a Public Inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received to the Order, the Council will be able to confirm the Order itself as an unopposed Order but it does not have the power to modify Orders. Where a new path is being created (by a creation or diversion Order) the change will come into effect only after the specified period from the date of confirmation to allow time for any necessary works to be undertaken.

**LEICESTERSHIRE COUNTY COUNCIL**

**SECTION 119 - HIGHWAYS ACT 1980**

**PUBLIC FOOTPATH 14 (PART)**  
**WITHIN THE PARISH OF WALTON ON THE WOLDS**  
**PUBLIC PATH DIVERSION ORDER 2012**

**LEICESTERSHIRE COUNTY COUNCIL**

**SECTION 119 - HIGHWAYS ACT 1980**

**PUBLIC FOOTPATH I4 (PART)**  
**WITHIN THE PARISH OF WALTON ON THE WOLDS**  
**PUBLIC PATH DIVERSION ORDER 2012**

This Order is made by Leicestershire County Council ("the authority") under Section 119 of the Highways Act 1980 (hereinafter called "the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of the footpath should be diverted.

The applicant Mr V S Eddershaw, Manor Farm, New Lane, Walton on the Wolds has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new sites of the footpath into a fit condition for use by the public.

Charnwood Borough Council has been consulted and has consented to the making of the Order as required by Section 120(2) of the 1980 Act.

**BY THIS ORDER**

1. The public right of way over the land situate in the Parish of Walton on the Wolds and shown by bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 30 days from the date of confirmation of this Order.

2. Notwithstanding anything contained in paragraph 1 where immediately before the date on which the public right of way referred to therein is diverted in pursuance of this Order, there is apparatus on, under or over the right of way belonging to statutory undertakers, for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
3. There shall at the end of 30 days from the date of confirmation of this Order be a public footpath over the land situate in the Parish of Walton on the Wolds described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this Order.
4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule
5. Notwithstanding the provisions of Article 1 these provisions for the extinguishment of the public right of way shall not come into force until the Leicestershire County Council acting by its proper officer shall have certified that the agreed works have been carried out to its satisfaction and specification in accordance with Section 119(3) of the 1980 Act.
6. This Order may be cited as the "Leicestershire County Council (Public Footpath I4 (Part) within the Parish of Walton on the Wolds) Public Path Diversion Order 2012."

SCHEDULE

PART 1

DESCRIPTION OF SITES OF EXISTING FOOTPATH I4 TO BE DIVERTED

That part of footpath I4 in the Parish of Walton on the Wolds and the Borough of Charnwood, shown as a bold continuous line on plan no. 2260, which extends from point "A" on the plan, situated at a junction with New Lane and Grid Reference 45915 31962 in generally southerly and south south-westerly directions for a total distance of approximately 195 metres to point "B" on the plan situated at Grid Reference 45911 31943.

PART 2

DESCRIPTION OF SITES OF ALTERNATIVE FOOTPATH X44

A footpath, I4, in the Parish of Walton on the Wolds and the Borough of Charnwood, shown as a bold broken line on plan no. 2260, which will extend from point "A" on the plan, previously described, in generally south westerly, south south-easterly, southerly and south westerly directions for a total distance of approximately 210 metres to a point "B" on the plan, previously described

*Width of alternative footpath to be 2 metres.*

PART 3

LIMITATIONS AND CONDITIONS

Kissing Gates to a standard agreed by the Highway Authority in compliance with Leicestershire County Council HTD/SD/FP/2260 Standard Drawing Specifications. At points 'C' and 'D' on the plan

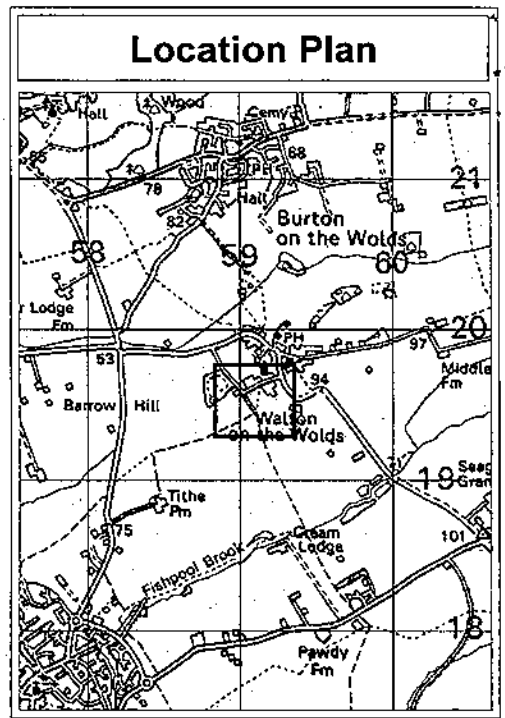
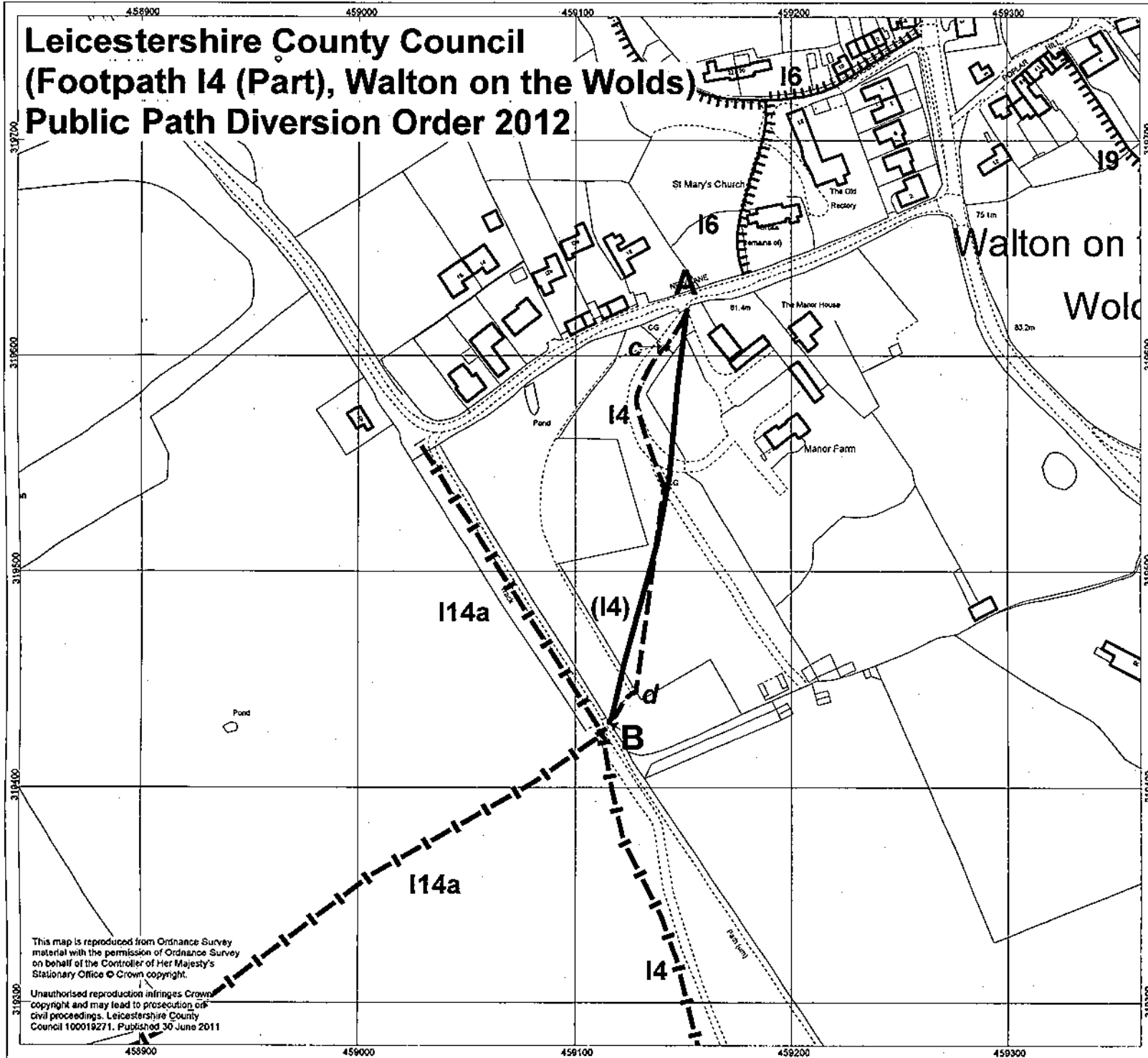
THE COMMON SEAL of THE LEICESTERSHIRE  
COUNTY COUNCIL was hereunto affixed  
this 9<sup>th</sup> day of March 2012 in the presence of:

*Lauren Haslam*

Authorised Officer



# Leicestershire County Council (Footpath I4 (Part), Walton on the Wolds) Public Path Diversion Order 2012



- ### Key
- Footpath to be Diverted (A-B)
  - Alternative Footpath (A-c-d-B)
  - Unaffected Footpaths
  - Unaffected Bridleways

Environment and Transport Department,  
County Hall, Glenfield  
Leicestershire LE3 8RJ.  
Email: [footpaths@leics.gov.uk](mailto:footpaths@leics.gov.uk)

Matthew Lugg Director,  
B.Eng., C.Eng., MICE., MCIHT., DMS.



**Plan No. 2260**  
Scale 1:2500

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